

109TH CONGRESS
1ST SESSION

H. R. 3665

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2005

Mr. BOOZMAN (for himself, Ms. HERSETH, Mr. FILNER, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Housing Im-
5 provement Act of 2005”.

1 **SEC. 2. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED**
2 **VETERANS RESIDING TEMPORARILY IN**
3 **HOUSING OWNED BY FAMILY MEMBER.**

4 (a) ASSISTANCE AUTHORIZED.—Chapter 21 of title
5 38, United States Code, is amended by inserting after sec-
6 tion 2102 the following new section:

7 **“§ 2102A. Assistance for veterans residing tempo-**
8 **rarily in housing owned by family mem-**
9 **ber**

10 “(a) In the case of a disabled veteran who is de-
11 scribed in subsection (a)(2) or (b)(2) of section 2101 of
12 this title and who is residing, but does not intend to per-
13 manently reside, in a residence owned by a member of
14 such veteran’s family, the Secretary may assist the veteran
15 in acquiring such adaptations to such residence as are de-
16 termined by the Secretary to be reasonably necessary be-
17 cause of the veteran’s disability.

18 “(b) The assistance authorized under subsection (a)
19 may not exceed—

20 “(1) \$10,000, in the case of a veteran described
21 in section 2101(a)(2) of this title; or

22 “(2) \$2,000, in the case of a veteran described
23 in section 2101(b)(2) of this title.

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

1 “(d) Assistance under this section shall be provided
2 in accordance with such regulations as the Secretary may
3 prescribe.”.

4 (b) LIMITATIONS ON ADAPTIVE HOUSING ASSIST-
5 ANCE.—Section 2102 of such title is amended—

6 (1) in the matter in subsection (a) preceding
7 paragraph (1)—

8 (A) by striking “shall be limited in the
9 case of any veteran to one housing unit, and
10 the necessary land therefor, and”; and

11 (B) by striking “veteran but shall not ex-
12 ceed \$50,000 in any one case—” and inserting
13 “veteran—”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(d)(1) The aggregate amount of assistance available
17 to a veteran under sections 2101(a) and 2102A of this
18 title shall be limited to \$51,000.

19 “(2) The aggregate amount of assistance available to
20 a veteran under sections 2101(b) and 2102A of this title
21 shall be limited to \$10,500.

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

1 (c) COORDINATION OF ADMINISTRATION OF BENE-
 2 FITS.—Chapter 21 of such title is further amended by
 3 adding at the end the following new section:

4 **“§ 2107. Coordination of administration of benefits**

5 “The Secretary shall provide for the coordination of
 6 the administration of programs to provide specially adapt-
 7 ed housing that are administered by the Under Secretary
 8 for Health and such programs that are administered by
 9 the Under Secretary for Benefits under this chapter, chap-
 10 ter 17, and chapter 31 of this title.”.

11 (d) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of such chapter of such title is amend-
 13 ed—

14 (1) by inserting after the item relating to sec-
 15 tion 2102 the following new item:

“2102A. Assistance for veterans residing temporarily in housing owned by fam-
 ily member.”

16 ; and

17 (2) by adding at the end the following new
 18 item:

“2107. Coordination of administration of benefits.”.

19 **SEC. 3. PERMANENT AUTHORITY TO MAKE DIRECT HOUS-**
 20 **ING LOANS TO NATIVE AMERICAN VETERANS.**

21 (a) PERMANENT AUTHORITY.—Section 3761 of title
 22 38, United States Code, is amended—

23 (1) in subsection (a)—

1 (A) by striking “establish and implement a
2 pilot program under which the Secretary may”
3 in the first sentence; and

4 (B) by striking “shall establish and imple-
5 ment the pilot program” in the third sentence
6 and inserting “shall make such loans”;

7 (2) in subsection (b), by striking “In carrying
8 out the pilot program under this subchapter, the”
9 and inserting “The”;

10 (3) by striking subsection (c); and

11 (4) by adding at the end the following new sub-
12 section:

13 “(d) In making loans under this section, the Sec-
14 retary shall consider the views and recommendations, if
15 any, of the Advisory Committee on Native-American Vet-
16 erans established under section 19032 of the Veterans’
17 Health-Care Amendments of 1986 (title XIX of Public
18 Law 99–272).”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 3762 of such title is amended—

21 (A) in subsection (a), by inserting “under
22 this subchapter” after “to a Native American
23 veteran”;

24 (B) in subsection (b)(1)(E), by striking
25 “the pilot program established under this sub-

1 chapter is implemented” and inserting “loans
2 under this subchapter are made”;

3 (C) in subsection (c)(1)(B), by striking
4 “carry out the pilot program under this sub-
5 chapter in a manner that demonstrates the ad-
6 visability of making direct housing loans” in the
7 second sentence and inserting “make direct
8 housing loans under this subchapter”;

9 (D) in subsection (i)—

10 (i) by striking “the pilot program pro-
11 vided for under this subchapter and” in
12 paragraph (1);

13 (ii) by striking “under the pilot pro-
14 gram and in assisting such organizations
15 and veterans in participating in the pilot
16 program” in paragraph (2)(A) and insert-
17 ing “under this subchapter and in assisting
18 such organizations and veterans with re-
19 spect to such housing benefits”; and

20 (iii) by striking “in participating in
21 the pilot program” in paragraph (2)(E)
22 and inserting “with respect to such bene-
23 fits”;

24 (E) in subsection (j)—

1 (i) in the matter preceding paragraph

2 (1)—

3 (I) by striking “through 2006”;

4 and

5 (II) by striking “relating to the

6 implementation of the pilot program”

7 and inserting “activities conducted”;

8 and

9 (ii) by striking “pilot program” each
10 place it appears in paragraphs (3), (4),
11 and (5) and inserting “housing benefits
12 under this subchapter”.

13 (2) Section 8(b) of the Veterans Home Loan
14 Program Amendments of 1992 (Public Law 102–
15 547) is repealed.

16 (c) ESTABLISHMENT OF MAXIMUM AMOUNT OF
17 LOANS.—

18 (1) MAXIMUM LOAN AMOUNT.—Subsection
19 (c)(1)(B) of section 3762 of such title is amended—

20 (A) by striking “(B) The” and inserting
21 “(B)(i) Subject to clause (ii), the”; and

22 (B) by adding at the end the following new
23 clause:

24 “(ii) The amount of a loan made by the Secretary
25 under this subchapter may not exceed the maximum loan

1 amount authorized for loans guaranteed under section
2 3703(a)(1)(C) of this title.”.

3 (2) CONFORMING AMENDMENT.—Subsection
4 (j)(1) of such section is amended by inserting “re-
5 ferred to in subsection (c)(1)(A)” before the period
6 at the end.

7 (d) TECHNICAL AMENDMENT.—Subsection (c)(1)(A)
8 of section 3762 of such title is amended by inserting “vet-
9 eran” after “Native American”.

10 (e) CLERICAL AMENDMENTS.—

11 (1) SUBCHAPTER HEADING.—The heading for
12 subchapter V of chapter 37 of such title is amended
13 to read as follows:

14 “SUBCHAPTER V—DIRECT HOUSING LOANS
15 FOR NATIVE AMERICAN VETERANS”.

16 (2) SECTION HEADING.—The heading for sec-
17 tion 3761 of such title is amended to read as fol-
18 lows:

19 “§ 3761. **Direct housing loans to Native American vet-**
20 **erans; program authority”.**

21 (3) SECTION HEADING.—The heading for sec-
22 tion 3762 of such title is amended to read as fol-
23 lows:

1 **“§ 3762. Direct housing loans to Native American veter-**
 2 **erans; program administration”.**

3 (4) TABLE OF SECTIONS.—The table of sections
 4 at the beginning of chapter 37 of such title is
 5 amended by striking the items relating to subchapter
 6 V and sections 3761 and 3762 and inserting the fol-
 7 lowing new items:

“SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS
 “3761. Direct housing loans to Native American veterans; program authority.
 “3762. Direct housing loans to Native American veterans; program administra-
 tion.”.

8 **SEC. 4. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS**
 9 **FOR NATIVE AMERICAN VETERANS TO A VET-**
 10 **ERAN WHO IS THE SPOUSE OF A NATIVE**
 11 **AMERICAN.**

12 (a) EXTENSION.—Subchapter V of chapter 37 of title
 13 38, United States Code, is amended—

14 (1) by redesignating section 3764 as section
 15 3765; and

16 (2) by inserting after section 3763 the following
 17 new section:

18 **“§ 3764. Qualified non-Native American veterans**

19 “(a) Subject to the succeeding provisions of this sec-
 20 tion, for purposes of this subchapter—

21 “(1) a qualified non-Native American veteran is
 22 deemed to be a Native American veteran; and

1 “(2) for purposes of applicability to a non-Na-
2 tive American veteran, any reference in this sub-
3 chapter to the jurisdiction of a tribal organization
4 over a Native American veteran is deemed to be a
5 reference to jurisdiction of a tribal organization over
6 the Native American spouse of the qualified non-Na-
7 tive American veteran.

8 “(b) In making direct loans under this subchapter to
9 a qualified non-Native American veteran by reason of eli-
10 gibility under subsection (a), the Secretary shall ensure
11 that the tribal organization permits, and the qualified non-
12 Native American veteran actually holds, possesses, or pur-
13 chases, using the proceeds of the loan, jointly with the Na-
14 tive American spouse of the qualified non-Native American
15 veteran, a meaningful interest in the lot, dwelling, or both,
16 that is located on trust land.

17 “(c) Nothing in subsection (b) shall be construed as
18 precluding a tribal organization from imposing reasonable
19 restrictions on the right of the qualified non-Native Amer-
20 ican veteran to convey, assign, or otherwise dispose of such
21 interest in the lot or dwelling, or both, if such restrictions
22 are designed to ensure the continuation in trust status of
23 the lot or dwelling, or both. Such requirements may in-
24 clude the termination of the interest of the qualified non-
25 Native American veteran in the lot or dwelling, or both,

1 upon the dissolution of the marriage of the qualified non-
2 Native American veteran to the Native American spouse.”.

3 (b) CONFORMING AMENDMENTS.—Section 3765 of
4 such title, as redesignated by subsection (a), is amended
5 by adding at the end the following new paragraph:

6 “(5) The term ‘qualified non-Native American
7 veteran’ means a veteran who—

8 “(A) is the spouse of a Native American,
9 but

10 “(B) is not a Native American.”.

11 (c) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 37 of such title is amended
13 by striking the item relating to section 3764 and inserting
14 the following new items:

“3764. Qualified non-Native American veterans.

“3765. Definitions.”.

15 **SEC. 5. TERMINOLOGY AMENDMENTS TO REVISE REF-**
16 **ERENCES TO CERTAIN VETERANS IN PROVI-**
17 **SIONS RELATING TO ELIGIBILITY FOR COM-**
18 **PENSATION OR DEPENDENCY AND INDEM-**
19 **NITY COMPENSATION.**

20 Title 38, United States Code, is amended as follows:

21 (1) Section 1114(l) is amended by striking “so
22 helpless” and inserting “with such significant dis-
23 abilities”.

1 (2) Section 1114(m) is amended by striking “so
2 helpless” and inserting “so significantly disabled”.

3 (3) Sections 1115(1)(E)(ii), 1115(b)(2),
4 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2)
5 are amended by striking “helpless or blind, or so
6 nearly helpless or blind as to” and inserting “blind,
7 or so nearly blind or significantly disabled as to”.

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