

Subsec. (b)(2). Pub. L. 110-289, § 2603(2)(A), substituted “any” for “either” in introductory provisions.

Subsec. (b)(2)(C). Pub. L. 110-289, § 2603(2)(B), added subpar. (C).

Subsecs. (c), (d). Pub. L. 110-289, § 2602(b)(1), redesignated subsec. (d) as (c) and struck out former subsec. (c) which related to provision of specially adapted housing to a member of the Armed Forces serving on active duty and suffering from a disability whose disability was the result of an injury incurred or disease contracted in or aggravated in the line of duty. See section 2101A of this title.

2006—Subsec. (a)(3). Pub. L. 109-233, § 105(a)(3), substituted “subsection (d)” for “subsection (c)” in introductory provisions.

Subsec. (c). Pub. L. 109-233, § 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, § 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, § 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, § 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, §§ 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, § 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, § 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.

### § 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred 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 this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary’s discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.

(Added Pub. L. 110-289, div. B, title VI, § 2602(a), July 30, 2008, 122 Stat. 2858.)

### § 2102. Limitations on assistance furnished

(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 individual—

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

(2) where the individual elects to construct a housing unit on land acquired by such individual 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 individual of the housing unit and the land necessary for such housing unit, or (B) 50 percent of the cost to the individual of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the individual of the land necessary for such housing unit;

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

(4) where the individual 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 individual 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 individual 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 an individual 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) \$12,000.

(c) The amount of assistance afforded under subsection (a) for an individual 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 individual, is also vested in any other person, if the individual resides in the housing unit.

(d)(1) The aggregate amount of assistance available to an individual under sections 2101(a) and 2102A of this title shall be limited to \$60,000.

(2) The aggregate amount of assistance available to an individual under sections 2101(b) and 2102A of this title shall be limited to \$12,000.

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

(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1168, §802; Pub. L. 91-22, §2, June 6, 1969, 83 Stat. 32; Pub. L. 91-506, §6, Oct. 23, 1970, 84 Stat. 1113; Pub. L. 92-341, July 10, 1972, 86 Stat. 432; Pub. L. 93-569, §9, Dec. 31, 1974, 88 Stat. 1867; Pub. L. 95-476, title I, §101, Oct. 18, 1978, 92 Stat. 1497; Pub. L. 96-385, title III, §301(b), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 97-66, title V, §502, Oct. 17, 1981, 95 Stat. 1032; Pub. L. 97-295, §4(33), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 98-543, title III, §304(a), Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99-576, title IV, §401(b), Oct. 28, 1986, 100 Stat. 3280; Pub. L. 100-322, title III, §301, May 20, 1988, 102 Stat. 534; renumbered §2102 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 105-178, title VIII, §8204(a), June 9, 1998, 112 Stat. 494; Pub. L. 106-419, title III, §321, Nov. 1, 2000, 114 Stat. 1855; Pub. L. 107-103, title IV, §404, Dec. 27, 2001, 115 Stat. 993; Pub. L. 108-183, title IV, §402(a), Dec. 16, 2003, 117 Stat. 2664; Pub. L. 109-233, title I, §101(b), June 15, 2006, 120 Stat. 398; Pub. L. 110-289, div. B, title VI, §§2602(b)(2), 2605(a), July 30, 2008, 122 Stat. 2859, 2861.)

#### 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, §1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-289, §2602(b)(2)(A)(i), substituted "individual" for "veteran" wherever appearing.

Subsec. (a)(3). Pub. L. 110-289, §2602(b)(2)(A)(ii), substituted "individual's" for "veteran's".

Subsec. (b)(1). Pub. L. 110-289, §2602(b)(2)(B), substituted "an individual" for "a veteran".

Subsec. (b)(2). Pub. L. 110-289, §2605(a)(1), substituted "\$12,000" for "\$10,000".

Subsec. (c). Pub. L. 110-289, §2602(b)(2)(C), substituted "an individual" for "a veteran" and substituted "the individual" for "the veteran" in two places.

Subsec. (d). Pub. L. 110-289, §2602(b)(2)(D), substituted "an individual" for "a veteran" in two places.

Subsec. (d)(1). Pub. L. 110-289, §2605(a)(2)(A), substituted "\$60,000" for "\$50,000".

Subsec. (d)(2). Pub. L. 110-289, §2605(a)(2)(B), substituted "\$12,000" for "\$10,000".

Subsec. (e). Pub. L. 110-289, §2605(a)(3), added subsec. (e).

2006—Subsec. (a). Pub. L. 109-233, §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, §101(b)(2), added subsec. (d).

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

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

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

Subsec. (b)(2). Pub. L. 107-103, §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, §8204(a)(1), substituted “\$43,000” for “\$38,000” in introductory provisions.

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

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

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

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

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

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

1988—Subsec. (a). Pub. L. 100-322, §301(1), substituted “\$38,000” for “\$35,500”.

Subsec. (b)(2). Pub. L. 100-322, §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, §304(a)(1), substituted “\$35,500” for “\$32,500” in provisions before par. (1).

Subsec. (b)(2). Pub. L. 98-543, §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, §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, §502(2), substituted “section 804(b)” for “section 804(b)(2)”.

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

Subsec. (b). Pub. L. 96-385, §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 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 2008 AMENDMENT

Pub. L. 110-289, div. B, title VI, §2605(b), July 30, 2008, 122 Stat. 2861, provided that: “The amendments made by this section [amending this section] shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.”

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title IV, §402(c), Dec. 16, 2003, 117 Stat. 2664, provided that: “The amendments made by sub-

sections (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, §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.

### § 2102A. Assistance for individuals residing temporarily in housing owned by a family member

(a) PROVISION OF ASSISTANCE.—In the case of a disabled individual 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 individual’s family, the Secretary may assist the individual in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the individual’s disability.

(b) AMOUNT OF ASSISTANCE.—The assistance authorized under subsection (a) may not exceed—

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

(2) \$2,000, in the case of an individual 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 individual 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 December 31, 2012.

(Added Pub. L. 109-233, title I, §101(a), June 15, 2006, 120 Stat. 398; amended Pub. L. 110-289, div.