

112TH CONGRESS
1ST SESSION

S. 1123

To amend title 38, United States Code, to improve the provision of benefits and assistance under laws administered by the Secretary of Veterans Affairs to veterans affected by natural or other disasters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the provision of benefits and assistance under laws administered by the Secretary of Veterans Affairs to veterans affected by natural or other disasters, 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. ASSISTANCE TO VETERANS AFFECTED BY NAT-**
4 **URAL DISASTERS.**

5 (a) ADDITIONAL GRANTS FOR DISABLED VETERANS
6 FOR SPECIALLY ADAPTED HOUSING.—

1 (1) IN GENERAL.—Chapter 21 of title 38,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 2109. Specially adapted housing destroyed or dam-**
5 **aged by natural disasters**

6 “(a) IN GENERAL.—Notwithstanding the provisions
7 of section 2102 of this title, the Secretary may award a
8 grant to a veteran whose home was previously adapted
9 with assistance of a grant under this chapter in the event
10 the adapted home which was being used and occupied by
11 the veteran was destroyed or substantially damaged in a
12 natural or other disaster, as determined by the Secretary.

13 “(b) USE OF FUNDS.—A grant awarded under sub-
14 section (a) shall be available to acquire a suitable housing
15 unit with special fixtures or moveable facilities made nec-
16 essary by the veteran’s disability, and necessary land
17 therefor.

18 “(c) LIMITATIONS.—The amount of the grant award-
19 ed under subsection (a) may not exceed the lesser of—

20 “(1) the reasonable cost, as determined by the
21 Secretary, of repairing or replacing the damaged or
22 destroyed home in excess of the available insurance
23 coverage on such home; or

24 “(2) the maximum grant amount to which the
25 veteran would have been entitled under subsection

1 (a) or (b) of section 2102 of this title had the vet-
2 eran not obtained the prior grant.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 21 of such title is
5 amended by inserting after the item relating to sec-
6 tion 2108 the following new item:

“2109. Specially adapted housing destroyed or damaged by natural disasters.”.

7 (b) EXTENSION OF SUBSISTENCE ALLOWANCE FOR
8 VETERANS COMPLETING VOCATIONAL REHABILITATION
9 PROGRAM.—Section 3108(a)(2) of such title is amended—

10 (1) by inserting “(A)” before “In”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(B) In any case in which the Secretary determines
14 that a veteran described in subparagraph (A) has been dis-
15 placed as the result of a natural or other disaster while
16 being paid a subsistence allowance under that subpara-
17 graph, as determined by the Secretary, the Secretary may
18 extend the payment of a subsistence allowance under such
19 subparagraph for up to an additional two months while
20 the veteran is satisfactorily following a program of employ-
21 ment services described in such subparagraph.”.

22 (c) WAIVER OF LIMITATION ON PROGRAM OF INDE-
23 PENDENT LIVING SERVICES AND ASSISTANCE.—Section
24 3120(e) of such title is amended—

25 (1) by inserting “(1)” before “Programs”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) The limitation in paragraph (1) shall not apply
4 in any case in which the Secretary determines that a vet-
5 eran described in subsection (b) has been displaced as the
6 result of, or has otherwise been adversely affected in the
7 areas covered by, a natural or other disaster, as deter-
8 mined by the Secretary.”.

9 (d) COVENANTS AND LIENS CREATED BY PUBLIC
10 ENTITIES IN RESPONSE TO DISASTER-RELIEF ASSIST-
11 ANCE.—Paragraph (3) of section 3703(d) of such title is
12 amended to read as follows:

13 “(3)(A) Any real estate housing loan (other than for
14 repairs, alterations, or improvements) shall be secured by
15 a first lien on the realty. In determining whether a loan
16 is so secured, the Secretary may either disregard or allow
17 for subordination to a superior lien created by a duly re-
18 corded covenant running with the realty in favor of either
19 of the following:

20 “(i) A public entity that has provided or will
21 provide assistance in response to a major disaster as
22 determined by the President under the Robert T.
23 Stafford Disaster Relief and Emergency Assistance
24 Act (42 U.S.C. 5121 et seq.).

1 “(ii) A private entity to secure an obligation to
2 such entity for the homeowner’s share of the costs
3 of the management, operation, or maintenance of
4 property, services, or programs within and for the
5 benefit of the development or community in which
6 the veteran’s realty is located, if the Secretary deter-
7 mines that the interests of the veteran-borrower and
8 of the Government will not be prejudiced by the op-
9 eration of such covenant.

10 “(B) With respect to any superior lien described in
11 subparagraph (A) created after June 6, 1969, the Sec-
12 retary’s determination under clause (ii) of such subpara-
13 graph shall have been made prior to the recordation of
14 the covenant.”.

15 (e) AUTOMOBILES AND OTHER CONVEYANCES FOR
16 CERTAIN DISABLED VETERANS AND MEMBERS OF THE
17 ARMED FORCES.—Section 3903(a) of such title is amend-
18 ed—

19 (1) by striking “No” and inserting “(1) Except
20 as provided in paragraph (2), no”; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(2) The Secretary may provide or assist in providing
24 an eligible person with a second automobile or other con-
25 veyance under this chapter if—

1 “(A) the Secretary receives satisfactory evi-
2 dence that the automobile or other conveyance pre-
3 viously purchased with assistance under this chapter
4 was destroyed—

5 “(i) as a result of a natural or other dis-
6 aster, as determined by the Secretary; and

7 “(ii) through no fault of the eligible per-
8 son; and

9 “(B) the eligible person does not otherwise re-
10 ceive from a property insurer compensation for the
11 loss.”.

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