

Public Law 95-62
95th Congress

An Act

July 5, 1977

[H.R. 3695]

To amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes.

State Veterans'
Home Assistance
Improvement Act
of 1977.
38 USC 101 note.
Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Veterans' Home Assistance Improvement Act of 1977".

SEC. 2. Subchapter V of chapter 17 of title 38, United States Code, is amended by striking out section 644 in its entirety.

SEC. 3. Subchapter III of chapter 81 of title 38, United States Code, is amended by—

"Construction".

(1) amending section 5031 (c) to read as follows:

"(c) The term 'construction' means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes, and the provision of initial equipment for any such buildings.";

"Cost of
construction".

(2) amending section 5031 (d) to read as follows:

"(d) The term 'cost of construction' means the amount found by the Administrator to be necessary for a construction project, including architect fees, but excluding land acquisition costs.";

(3) amending section 5032 to read as follows:

"The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.";

Appropriation
authorization.

(4) amending section 5033 to read as follows:

"(a) There is hereby authorized to be appropriated \$15,000,000 for the fiscal year ending September 30, 1978, and a like sum for the succeeding fiscal year. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes and meeting the requirements of this subchapter.

Funds,
availability.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.";

(5) amending section 5034 (2) to read as follows:

"(2) General standards of construction, repair, and equipment for facilities constructed with assistance received under this subchapter.";

(6) striking out in section 5034 (3) "nursing home";

(7) striking out in section 5035 (a) "for furnishing nursing home care";

(8) amending section 5035 (a) (4) by striking out "nursing home care to veterans" and inserting in lieu thereof "to veterans the level of care for which such application is made"; by striking

out "10 per centum" and inserting in lieu thereof "25 per centum"; and by striking out "nursing home" and inserting in lieu thereof "such level of";

(9) amending section 5035(b)(3) to read as follows:

"(3) the application contains such reasonable assurances under subsection (a) of this section as the Administrator may determine to be necessary, and";

(10) inserting in section 5035(c) "notice and" after "applicant";

(11) amending section 5035(d) by inserting "(1)" before "Upon"; by striking out "requested with respect to such project in such application," and inserting in lieu thereof "so approved,"; and by inserting at the end of subsection (d) the following new paragraph:

"(2) No one State may receive in any fiscal year in the aggregate under this subchapter more than one-third of the amount appropriated for carrying out this subchapter in such fiscal year.";

(12) striking out in section 5035(e) "approved application" and inserting in lieu thereof "application, whether or not approved,"; and

(13) amending section 5036 by striking out "of facilities for furnishing nursing home care"; by inserting immediately before the comma following the word "subchapter" where it first appears "(except that the Administrator, pursuant to regulations which the Administrator shall prescribe, may at the time of such grant provide for a shorter period than twenty, but not less than seven, years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities)"; by striking out "nursing home care" where it appears the second time and inserting in lieu thereof "domiciliary, nursing home, or hospital care"; and by striking out "facilities," where it appears the third time and inserting in lieu thereof "construction (but in no event an amount greater than the amount of assistance provided for such construction under this subchapter)."

Regulations.

SEC. 4. (a) The heading at the beginning of subchapter III of chapter 81 of title 38, United States Code, is amended by striking out "Nursing Home Care" and inserting in lieu thereof "Domiciliary, Nursing Home, and Hospital Care".

(b) The table of sections at the beginning of chapter 17 of such title, is amended by striking out

"644. Authorization of appropriations."

(c) The table of sections at the beginning of the heading of subchapter III of chapter 81 of such title, is amended by striking out "NURSING HOME CARE" and inserting in lieu thereof "DOMICILIARY, NURSING HOME, AND HOSPITAL CARE".

SEC. 5. (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall be effective October 1, 1977.

(b) (1) The terms and conditions of any grant made prior to October 1, 1977, under section 644 of title 38, United States Code, and regulations prescribed thereunder, shall remain in full force and effect unless modified, by the mutual agreement of the parties, in accordance with the provisions of subchapter III of chapter 81 of such title, and regulations prescribed thereunder, in effect after September 30, 1977.

Effective date.
38 USC 5031
note.
Savings provision.

38 USC 5031 *et seq.*

Grants,
modification.
38 USC 5031 et
seq.

(2) With respect to any grant made prior to October 1, 1977, under subchapter III of chapter 81 of such title, the Administrator of Veterans' Affairs shall, upon application of a grantee, modify the terms and conditions of such grant to comply with the provisions of such subchapter as amended by this Act, and regulations prescribed thereunder, and shall promptly notify each such grantee of the grantee's right to request such modification.

Approved July 5, 1977.

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LEGISLATIVE HISTORY:

- HOUSE REPORT** No. 95-112 (Comm. on Veterans' Affairs).
- SENATE REPORT** No. 95-166 (Comm. on Veterans' Affairs).
- CONGRESSIONAL RECORD**, Vol. 123 (1977):
 - Apr. 4, considered and passed House.
 - May. 24, considered and passed Senate, amended.
 - June 22, House concurred in Senate amendment.