

109TH CONGRESS
1ST SESSION

H. R. 1773

To amend title 38, United States Code, to make permanent the Native American Veteran Housing Loan Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

Ms. HERSETH (for herself, Mr. FALEOMAVAEGA, Mr. EVANS, Mr. MICHAUD, Mr. REYES, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. SANDERS, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. CASE, Mr. PALLONE, Mr. OBERSTAR, and Mr. BOOZMAN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to make permanent the Native American Veteran Housing Loan Program, 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 “Native American Vet-
5 eran Home Loan Act ”.

1 **SEC. 2. PERMANENT AUTHORITY TO MAKE DIRECT HOUS-**
2 **ING LOANS TO NATIVE AMERICAN VETERANS.**

3 (a) PERMANENT AUTHORITY.—Section 3761 of title
4 38, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking “establish and implement a
7 pilot program under which the Secretary may”
8 in the first sentence; and

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

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

15 (3) by striking subsection (c).

16 (b) CONFORMING AMENDMENTS.—Section 3762 of
17 such title is amended—

18 (1) in subsection (b)(1)(E), by striking “the
19 pilot program established under this subchapter is
20 implemented” and inserting “loans under this sub-
21 chapter are made”;

22 (2) in subsection (c)(1)(B), by striking “carry
23 out the pilot program under this subchapter in a
24 manner that demonstrates the advisability of making
25 direct housing loans” in the second sentence and in-

serting “make direct housing loans under this subchapter”;

(3) in subsection (i)—

(A) by striking “the pilot program provided for under this subchapter and” in paragraph (1);

(B) by striking “under the pilot program and in assisting such organizations and veterans in participating in the pilot program.” in paragraph (2)(A) and inserting “under this subchapter and in assisting such organizations and veterans with respect to such housing benefits.”; and

(C) by striking “in participating in the pilot program.” in paragraph (2)(E) and inserting “with respect to such benefits.”;

(4) in subsection (j)—

(A) in the matter preceding paragraph (1)—

(i) by striking “through 2006”; and

(ii) by striking “the implementation of the pilot program” and inserting “activities conducted”; and

(B) by striking “pilot program” each place it appears in paragraphs (3), (4), and (5) and

1 inserting “housing benefits under this sub-
2 chapter”.

3 (c) ESTABLISHMENT OF MAXIMUM AMOUNT OF
4 LOANS.—(1) Subsection (c)(1)(B) of section 3762 of such
5 title is amended—

6 (A) by striking “(B) The” and inserting
7 “(B)(i) The”;

8 (B) by striking “The amount” in the sec-
9 ond sentence and inserting “Subject to clause
10 (ii), the amount”; and

11 (C) by adding at the end the following new
12 clause:

13 “(ii) The amount of any increase under clause (i)
14 may not exceed an amount determined by subtracting—

15 “(I) the amount referred to in subparagraph
16 (A), from

17 “(II) the amount of the Freddie Mac con-
18 forming loan limit limitation determined under sec-
19 tion 305(a)(2) of the Federal Home Loan Mortgage
20 Corporation Act (12 U.S.C. 1454(a)(2)) for a single-
21 family residence, as adjusted for the year involved.”.

22 (2) Subsection (j)(1) of such section is amended by
23 inserting “referred to in subsection (c)(1)(A)” before the
24 period at the end.

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

4 (e) CLERICAL AMENDMENTS.—(1) The heading for
 5 subchapter V of chapter 37 of such title is amended to
 6 read as follows:

7 “SUBCHAPTER V—DIRECT HOUSING LOANS
 8 FOR NATIVE AMERICAN VETERANS”.

9 (2) The heading for section 3761 of such title is
 10 amended to read as follows:

11 **“§ 3761. Permanent authority to make direct housing**
 12 **loans to Native American veterans”.**

13 (3) The table of sections at the beginning of chapter
 14 37 of such title is amended by striking the items relating
 15 to subchapter V and section 3761 and inserting the fol-
 16 lowing new items:

“SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS
 “3761. Permanent authority to make direct housing loans to Native American
 veterans.”.

17 **SEC. 3. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS**
 18 **FOR NATIVE AMERICAN VETERANS TO A VET-**
 19 **ERAN WHO IS THE SPOUSE OF A NATIVE**
 20 **AMERICAN.**

21 (a) EXTENSION.—Subchapter V of chapter 37 of title
 22 38, United States Code, is amended—

1 (1) by redesignating section 3764 as section
2 3765; and

3 (2) by inserting after section 3763 the following
4 new section:

5 **“§ 3764. Qualified non-Native American veterans**

6 “(a) Subject to the succeeding provisions of this sec-
7 tion, for purposes of this subchapter, a qualified non-Na-
8 tive American veteran is deemed to be a Native American
9 veteran, except that any reference in this subchapter to
10 the jurisdiction of a tribal organization over a Native
11 American veteran is deemed to be a reference to the Na-
12 tive American spouse of the qualified non-Native American
13 veteran.

14 “(b) In making direct loans under this subchapter to
15 a qualified non-Native American veteran, the Secretary
16 shall ensure that the tribal organization permits, and the
17 qualified non-Native American veteran actually holds, pos-
18 sesses, or purchases, using the proceeds of the loan, jointly
19 with the Native American spouse of the qualified non-Na-
20 tive American veteran, a meaningful interest in the lot,
21 dwelling, or both, that is located on trust land.

22 “(c) Nothing in subsection (b) shall be construed as
23 precluding a tribal organization from imposing reasonable
24 restrictions on the right of the qualified non-Native Amer-
25 ican veteran to convey, assign, or otherwise dispose of such

1 interest in the lot, dwelling, or both if such restrictions
 2 are designed to ensure the continuation in trust status of
 3 the lot, dwelling, or both. Such requirements may include
 4 the termination of the interest of the qualified non-Native
 5 American veteran in the lot, dwelling, or both upon the
 6 dissolution of the marriage of the qualified non-Native
 7 American veteran to the Native American spouse.”.

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

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

13 “(A) is the spouse of a Native American,
 14 but

15 “(B) is not a Native American.”.

16 (c) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 37 of such title is amended
 18 by striking the item relating to section 3764 and inserting
 19 after the item relating to section 3763 the following new
 20 items:

“3764. Qualified non-Native American veterans.
 “3765. Definitions.”.

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