

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1850 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator” in section catchline and wherever appearing in text.

§ 3751. Termination of program

The Secretary may not make commitments for financial assistance under this subchapter after September 30, 1986.

(Added Pub. L. 97-72, title III, §302(a), Nov. 3, 1981, 95 Stat. 1059, §1851; amended Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered §3751, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1851 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator”.

SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS**Editorial Notes**

AMENDMENTS

2006—Pub. L. 109-233, title I, §103(f)(1), June 15, 2006, 120 Stat. 400, substituted “DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS” for “NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM” in subchapter heading.

§ 3761. Direct housing loans to Native American veterans; program authority

(a) The Secretary shall make direct housing loans to Native American veterans. The purpose of such loans is to permit such veterans to purchase, construct, or improve dwellings on trust land. The Secretary shall make such loans in accordance with the provisions of this subchapter.

(b) The Secretary shall, to the extent practicable, make direct housing loans to Native American veterans who are located in a variety of geographic areas and in areas experiencing a variety of economic circumstances.

(c) The Secretary shall prescribe such regulations as may be necessary to carry out this subchapter.

(Added Pub. L. 102-547, §8(a), Oct. 28, 1992, 106 Stat. 3636; amended Pub. L. 105-114, title II, §201(a), Nov. 21, 1997, 111 Stat. 2282; Pub. L. 107-103, title IV, §402(a), Dec. 27, 2001, 115 Stat. 993; Pub. L. 108-454, title IV, §407, Dec. 10, 2004, 118 Stat. 3617; Pub. L. 109-233, title I, §103(a), (f)(2), June 15, 2006, 120 Stat. 399, 400; Pub. L. 118-210, title II, §231(g), Jan. 2, 2025, 138 Stat. 2787.)

Editorial Notes

AMENDMENTS

2025—Subsec. (c). Pub. L. 118-210 added subsec. (c).

2006—Pub. L. 109-233, §103(f)(2), amended section catchline generally, substituting “Direct housing loans to Native American veterans; program authority” for “Pilot program”.

Subsec. (a). Pub. L. 109-233, §103(a)(1), struck out “establish and implement a pilot program under which the Secretary may” before “make direct housing loans” and substituted “shall make such loans” for “shall establish and implement the pilot program”.

Subsec. (b). Pub. L. 109-233, §103(a)(2), substituted “The” for “In carrying out the pilot program under this subchapter, the”.

Subsec. (c). Pub. L. 109-233, §103(a)(3), struck out subsec. (c) which read as follows: “No loans may be made under this subchapter after December 31, 2008.”

2004—Subsec. (c). Pub. L. 108-454 substituted “December 31, 2008” for “December 31, 2005”.

2001—Subsec. (c). Pub. L. 107-103 substituted “December 31, 2005” for “December 31, 2001”.

1997—Subsec. (c). Pub. L. 105-114 substituted “December 31, 2001” for “September 30, 1997”.

Statutory Notes and Related Subsidiaries**CONSULTATION WITH ADVISORY COMMITTEE ON NATIVE-AMERICAN VETERANS**

Pub. L. 102-547, §8(b), Oct. 28, 1992, 106 Stat. 3640, which required the Secretary of Veterans Affairs to consider the views and recommendations, if any, of the Advisory Committee on Native-American Veterans in carrying out the direct housing loan pilot program, was repealed by Pub. L. 109-233, title I, §103(c)(2), June 15, 2006, 120 Stat. 400.

ANNUAL REPORTS ON PILOT PROGRAM

Pub. L. 102-547, §8(d), Oct. 28, 1992, 106 Stat. 3640, directed Secretary of Veterans Affairs to transmit report relating to implementation of Native American veterans direct housing loan pilot program established under this subchapter to Committees on Veterans' Affairs of Senate and House of Representatives not later than Feb. 1 of each of years 1994 through 1998, prior to repeal by Pub. L. 104-110, title II, §201(b), Feb. 13, 1996, 110 Stat. 770.

AUTHORIZATION OF APPROPRIATIONS FOR NATIVE AMERICAN VETERAN HOUSING LOANS

Pub. L. 102-547, §8(e), Oct. 28, 1992, 106 Stat. 3640, provided that: “New direct loan obligations for Native American veteran housing loans under subchapter V of chapter 37 of title 38, United States Code (as added by subsection (a)), may be incurred only to the extent that appropriations of budget authority to cover the anticipated cost, as defined in section 502 of the Congressional Budget Act of 1974 [2 U.S.C. 661a], for such loans are made in advance. There is authorized to be appropriated for such purpose \$5,000,000 for fiscal year 1993, which amount shall remain available without fiscal year limitation.”

§ 3762. Direct housing loans to Native American veterans; program administration

(a) The Secretary may make a direct housing loan to a Native American veteran under this subchapter if the Secretary ensures the following:

(1) That each Native American veteran to whom the Secretary makes a direct housing loan under this subchapter—

(A) holds, possesses, or purchases using the proceeds of the loan a meaningful interest in a lot or dwelling (or both) that is located on trust land; and

(B) will purchase, construct, or improve (as the case may be) a dwelling on the lot using the proceeds of the loan.

(2) That each such Native American veteran will convey to the Secretary by an appropriate instrument the interest referred to in para-

graph (1)(A) as security for a direct housing loan under this subchapter.

(3) That the Secretary, including the Secretary's employees or agents, may enter upon the trust land for the purposes of carrying out such actions as the Secretary determines are necessary, including—

(A) to evaluate the advisability of the loan;

(B) to monitor any purchase, construction, or improvements carried out using the proceeds of the loan; and

(C) to manage any servicing or post-foreclosure activities, including acquisition, property inspections, and property management.

(4) That there are established standards and procedures that apply to the foreclosure of the interest conveyed by a Native American veteran pursuant to paragraph (2), including—

(A) procedures for foreclosing the interest; and

(B) procedures for the resale of the lot or dwelling (or both) purchased, constructed, or improved using the proceeds of the loan.

(5) That the loan is made in a responsible and prudent manner, subject to standards and procedures as are necessary for the reasonable protection of the financial interests of the United States.

(b)(1) To carry out the purpose of subsection (a), the Secretary may—

(A) enter into a memorandum of understanding with a tribal organization, other entity, or individual;

(B) rely on agreements or determinations of other Federal agencies to guarantee, insure, or make loans on trust land; and

(C) enter into other agreements or take such other actions as the Secretary determines necessary.

(2) If the Secretary determines that the requirements under subsection (a) are not being enforced by a tribal organization, other entity, or individual that is a party to any memorandum of understanding, agreement, or determination described in paragraph (1), the Secretary may cease making new direct housing loans to Native American veterans under this subchapter within the area of the authority of the tribal organization, other entity, or individual (as the case may be).

(c)(1) Loans made under this section shall bear interest at a rate determined by the Secretary, which rate may not exceed the appropriate rate authorized for guaranteed loans under section 3703(c)(1) or section 3712(f) of this title, and shall be subject to such requirements or limitations prescribed for loans guaranteed under this title as the Secretary may prescribe.

(2) Notwithstanding section 3704(a) of this title, the Secretary shall establish minimum requirements for planning, construction, improvement, and general acceptability relating to any direct loan made under this section.

(d)(1) The Secretary shall establish credit underwriting standards to be used in evaluating loans made under this subchapter. In establishing such standards, the Secretary shall take

into account the purpose of this program to make available housing to Native American veterans living on trust lands.

(2) The Secretary shall determine the reasonable value of the interest in property that will serve as security for a loan made under this section and shall establish procedures for appraisals upon which the Secretary may base such determinations. The procedures shall incorporate generally the relevant requirements of section 3731 of this title, unless the Secretary determines that such requirements are impracticable to implement in a geographic area, on particular trust lands, or under circumstances specified by the Secretary.

(e) Loans made under this section shall be repaid in monthly installments.

(f) In connection with any loan under this section, the Secretary may make advances in cash to provide for repairs, alterations, and improvements and to meet incidental expenses of the loan transaction. The Secretary shall determine the amount of any expenses incident to the origination of loans made under this section, which expenses, or a reasonable flat allowance in lieu thereof, shall be paid by the veteran in addition to the loan closing costs.

(g) Without regard to any provision of this chapter (other than a provision of this section), the Secretary may—

(1) take any action that the Secretary determines to be necessary with respect to the custody, management, protection, and realization or sale of investments under this section;

(2) determine any necessary expenses and expenditures and the manner in which such expenses and expenditures shall be incurred, allowed, and paid;

(3) make such rules, regulations, and orders as the Secretary considers necessary for carrying out the Secretary's functions under this section; and

(4) in a manner consistent with the provisions of this chapter and with the Secretary's functions under this subchapter, employ, utilize, and compensate any persons, organizations, or departments or agencies (including departments and agencies of the United States) designated by the Secretary to carry out such functions.

(h) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing mortgage loans for any of the following purposes:

(1) To refinance an existing loan made under this section, if the loan—

(A) meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title;

(B) will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced; and

(C) complies with paragraphs (2) and (3) of section 3710(e) of this title, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2)¹ and (3) shall be deemed to be a reference to this subsection.

¹ So in original. Paragraph (2) reference is to "clause (8) of subsection (a)".

(2) To refinance an existing mortgage loan not made under this section on a dwelling owned and occupied by the veteran as the veteran's home, if all of the following requirements are met:

(A) The loan will be secured by the same dwelling as was the loan being refinanced.

(B) The loan will provide the veteran with a net tangible benefit.

(C) The nature and condition of the property is such as to be suitable for dwelling purposes.

(D) The amount of the loan does not exceed either of the following:

(i) 100 percent of the reasonable value of the dwelling, with such reasonable value determined under the procedures established by the Secretary under subsection (d)(2).

(ii) An amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount points) as may be authorized by the Secretary to be included in the loan.

(E) Notwithstanding subparagraph (D), if a loan is made for both the purpose of this paragraph and to make energy efficiency improvements, the loan must not exceed either of the following:

(i) 100 percent of the reasonable value of the dwelling as improved for energy efficiency, with such reasonable value determined under the procedures established by the Secretary under subsection (d)(2).

(ii) The amount referred to under subparagraph (D)(ii), plus the applicable amount specified under section 3710(d)(2) of this title.

(F) The loan meets all other requirements the Secretary may establish under this subchapter.

(G) The existing mortgage being refinanced is a first lien on the property and secured of record.

(3) To refinance an existing mortgage loan to repair, alter, or improve a dwelling owned by the veteran and occupied by the veteran as the veteran's home, if all of the following requirements are met:

(A) The loan will be secured by the same dwelling as was the loan being refinanced.

(B) The nature and condition of the property is such as to be suitable for dwelling purposes, and the repair, alteration, or improvement substantially protects or improves the basic livability or utility of such property.

(C) The amount of the loan, including the costs of repairs, alterations, and improvements, does not exceed either of the following:

(i) 100 percent of the reasonable value of the dwelling as repaired, altered, or improved, with such reasonable value determined under the procedures established by the Secretary under subsection (d)(2).

(ii) An amount equal to the sum of—

(I) the balance of the loan being refinanced;

(II) the actual cost of repairs, alterations, or improvements; and

(III) such closing costs (including any discount points) as may be authorized by the Secretary to be included in the loan.

(D) The loan meets all other requirements the Secretary may establish under this subchapter.

(E) The existing mortgage loan being refinanced is a first lien on the property and secured of record.

(i)(1) The Secretary shall, in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council), carry out an outreach program to inform and educate Native American veterans of the availability of direct housing loans for Native American veterans who live on trust lands.

(2) Activities under the outreach program shall include the following:

(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits under this subchapter and in assisting such organizations and veterans with respect to such housing benefits.

(B) Attending conferences and conventions conducted by the National American Indian Housing Council in order to work with the Housing Council in providing information and training to tribal organizations and tribal housing entities regarding the availability of such benefits.

(C) Attending conferences and conventions conducted by the Department of Hawaiian Homelands in order to work with the Department of Hawaiian Homelands in providing information and training to tribal housing entities in Hawaii regarding the availability of such benefits.

(D) Producing and disseminating information to tribal governments, tribal veterans service organizations, and tribal organizations regarding the availability of such benefits.

(E) Assisting tribal organizations and Native American veterans with respect to such benefits.

(F) Outstationing loan guarantee specialists in tribal facilities on a part-time basis if requested by the tribal government.

(G) Pursuant to subsection (g)(4), assisting Native American veterans in qualifying for mortgage financing by—

(i) partnering with local service providers, such as tribal organizations, tribally designated housing entities, Native community development financial institutions, and non-profit organizations, for conducting outreach, homebuyer education, housing counseling, and post-purchase education; and

(ii) providing other technical assistance as needed.

(H) Attending conferences and conventions conducted by the network of Native community development financial institutions and other Native American homeownership organizations to provide information and training to Native community development financial in-

stitutions about the availability of the relending program under section 3762A of this title.

(j) The Secretary shall include as part of the annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for the fiscal year covered by the report.

(k) The Secretary shall assign a sufficient number of personnel of the Department dedicated to carrying out the authority of the Secretary under this subchapter, including construction and valuation specialists to assist with issues unique to new construction and renovations on trust land.

(Added Pub. L. 102-547, §8(a), Oct. 28, 1992, 106 Stat. 3637; amended Pub. L. 104-275, title II, §202(a), Oct. 9, 1996, 110 Stat. 3330; Pub. L. 105-114, title II, §201(b), (c), Nov. 21, 1997, 111 Stat. 2282, 2283; Pub. L. 107-103, title IV, §402(b), (c), Dec. 27, 2001, 115 Stat. 993; Pub. L. 109-233, title I, §103(b), (c)(1), (d), (e), (f)(3), June 15, 2006, 120 Stat. 400, 401; Pub. L. 116-23, §6(a)(2), June 25, 2019, 133 Stat. 973; Pub. L. 118-210, title II, §231(a)-(d), Jan. 2, 2025, 138 Stat. 2783-2785.)

Editorial Notes

AMENDMENTS

2025—Subsec. (a). Pub. L. 118-210, §231(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to the requirements for the Secretary to make a direct housing loan to a Native American veteran.

Subsec. (b). Pub. L. 118-210, §231(a)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to the requirements that each memorandum of understanding the Secretary enters into with a tribal organization must provide.

Subsec. (h). Pub. L. 118-210, §231(b), amended subsec. (h) generally. Prior to amendment, subsec. (h) related to when the Secretary may make direct loans to Native American veterans.

Subsec. (i)(2)(G), (H). Pub. L. 118-210, §231(c), added subpars. (G) and (H).

Subsec. (k). Pub. L. 118-210, §231(d), added subsec. (k). 2019—Subsec. (c). Pub. L. 116-23 redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which set an \$80,000 limit, with certain exceptions, on the principal amount of any direct housing loan made to a Native American veteran.

2006—Pub. L. 109-233, §103(f)(3), amended section catchline generally, substituting “Direct housing loans to Native American veterans; program administration” for “Direct housing loans to Native American veterans”.

Subsec. (a). Pub. L. 109-233, §103(c)(1)(A), inserted “under this subchapter” after “to a Native American veteran” in introductory provisions.

Subsec. (b)(1)(E). Pub. L. 109-233, §103(c)(1)(B), substituted “loans under this subchapter are made” for “the pilot program established under this subchapter is implemented”.

Subsec. (c)(1)(A). Pub. L. 109-233, §103(e), inserted “veteran” after “Native American”.

Subsec. (c)(1)(B). Pub. L. 109-233, §103(c)(1)(C), (d), designated existing provisions as cl. (i), substituted “Subject to clause (ii), the” for “The” after cl. (i) designation, substituted “make direct housing loans under this subchapter” for “carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans”, and added cl. (ii).

Subsec. (i)(1). Pub. L. 109-233, §103(c)(1)(D)(i), struck out “the pilot program provided for under this subchapter and” after “educate Native American veterans of”.

Subsec. (i)(2)(A), (E). Pub. L. 109-233, §103(c)(1)(D)(ii), (iii), substituted “under this subchapter and in assisting such organizations and veterans with respect to such housing benefits” for “under the pilot program and in assisting such organizations and veterans in participating in the pilot program” in subpar. (A) and “with respect to such benefits” for “in participating in the pilot program” in subpar. (E).

Subsec. (j). Pub. L. 109-233, §103(b), amended subsec. (j) generally. Prior to amendment, subsec. (j) related to the Secretary’s transmittal to the Committees on Veterans’ Affairs of the Senate and House of Representatives of an annual report relating to the implementation of the Native American veteran housing loan pilot program.

2001—Subsec. (a)(1). Pub. L. 107-103, §402(b), designated existing provisions as subpar. (A), substituted “; or” for “; and”, and added subpar. (B).

Subsec. (j). Pub. L. 107-103, §402(c), substituted “2006” for “2002” in introductory provisions.

1997—Subsec. (i). Pub. L. 105-114, §201(b), designated existing provisions as par. (1), inserted “, in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council),” after “the Secretary shall”, struck out “tribal organizations and” after “educate”, and added par. (2).

Subsec. (j). Pub. L. 105-114, §201(c), added subsec. (j). 1996—Subsecs. (h), (i). Pub. L. 104-275 added subsec. (h) and redesignated former subsec. (h) as (i).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116-23 applicable with respect to a loan guaranteed under section 3710 of this title on or after Jan. 1, 2020, see section 6(d) of Pub. L. 116-23, set out as a note under section 3703 of this title.

§ 3762A. Native community development financial institution relending program

(a) PURPOSE.—The Secretary may make a loan to a Native community development financial institution for the purpose of allowing the institution to relend loan amounts to qualified Native American veterans, subject to the requirements of this section.

(b) STANDARDS.—(1) The Secretary shall establish standards to be used in evaluating whether to make a loan to a Native community development financial institution under this section.

(2) In establishing standards under paragraph (1), the Secretary shall ensure that a Native community development financial institution—

(A) is able to originate and service loans for single-family homes;

(B) is able to operate the relending program in a manner consistent with the mission of the Department to serve veterans; and

(C) uses loan amounts received under this section only for the purpose of relending, as described in subsection (c), to Native American veterans.

(c) RELENDING REQUIREMENTS.—(1) A Native community development financial institution that receives a loan under this section shall use the loan amounts to make loans to Native American veterans residing on trust land.

(2) A loan to a Native American veteran made by a Native community development financial institution under paragraph (1) shall—

(A) be limited either to the purpose of purchase, construction, or improvement of a dwelling located on trust land or to the refi-