

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-

nance of an existing mortgage loan for a dwelling on trust land, consistent with the requirements of section 3762(h) of this title; and (B) comply with such terms and conditions as the Secretary determines are necessary to protect against predatory lending, including the interest rate charged on a loan to a Native American veteran.

(d) REPAYMENT.—A loan made to a Native community development financial institution under this section shall—

- (1) be payable to the Secretary upon such terms and conditions as are prescribed in regulations pursuant to this subchapter; and
- (2) bear interest at a rate of one percent.

(e) OVERSIGHT.—Subject to notice and opportunity for a hearing, whenever the Secretary finds with respect to loans made under subsection (a) or (c) that any Native community development financial institution has failed to maintain adequate loan accounting records, to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or that such Native community development financial institution has willfully or negligently engaged in practices otherwise detrimental to the interest of veterans or of the Government, the Secretary may take such actions as the Secretary determines necessary to protect veterans or the Government, such as requiring immediate repayment of any loans made under subsection (a) and the assignment to the Secretary of loans made under subsection (c).

(f) SUNSET.—The Secretary may not make a loan under this section after September 30, 2027. (Added Pub. L. 118–210, title II, §232(a), Jan. 2, 2025, 138 Stat. 2787.)

§ 3763. Native American Veteran Housing Loan Program Account

(a) There is hereby established in the Treasury of the United States an account known as the “Native American Veteran Housing Loan Program Account” (hereinafter in this subchapter referred to as the “Account”).

(b) The Account shall be available to the Secretary to carry out all operations relating to the making of direct housing loans to Native American veterans under this subchapter, including any administrative expenses relating to the making of such loans. Amounts in the Account shall be available without fiscal year limitation.

(c) Of amounts available in the Account, the Secretary may use for loans made under section 3762A of this title—

- (1) in fiscal year 2025, not more than \$5,000,000; and
- (2) in any fiscal year after fiscal year 2025, an amount determined necessary by the Secretary to meet the demand for such loans.

(Added Pub. L. 102–547, §8(a), Oct. 28, 1992, 106 Stat. 3639; amended Pub. L. 105–368, title VI, §602(e)(3)(B), Nov. 11, 1998, 112 Stat. 3347; Pub. L. 107–14, §8(a)(16), June 5, 2001, 115 Stat. 35; Pub. L. 118–210, title II, §232(c), Jan. 2, 2025, 138 Stat. 2788.)

Editorial Notes

AMENDMENTS

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

2001—Subsec. (a). Pub. L. 107–14 substituted “hereinafter” for “hereafter”.

1998—Pub. L. 105–368 substituted “Native American Veteran Housing Loan Program Account” for “Housing loan program account” in section catchline.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–368 effective Oct. 1, 1998, see section 602(f) of Pub. L. 105–368, set out as a note under section 2106 of this title.

§ 3764. Qualified non-Native American veterans

(a) TREATMENT OF NON-NATIVE AMERICAN VETERANS.—Subject to the succeeding provisions of this section, for purposes of this subchapter—

(1) a qualified non-Native American veteran is deemed to be a Native American veteran; and

(2) for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.

(b) USE OF LOAN.—In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native American veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

(c) RESTRICTIONS IMPOSED BY TRIBAL ORGANIZATIONS.—Nothing in subsection (b) shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.

(Added Pub. L. 109–233, title I, §104(a)(2), June 15, 2006, 120 Stat. 401.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3764 was renumbered section 3765 of this title.

§ 3765. Definitions

For the purposes of this subchapter—

(1) The term “trust land” means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian