

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

lands (including native Hawaiian homelands);

(C) is located in the State of Alaska within a region established under section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary;

(E) is defined by the Secretary of the Interior and recognized by the United States as land over which an Indian Tribe has governmental dominion; or

(F) is on any land that the Secretary determines is provided to Native American veterans because of their status as Native Americans.

(2) The term "Native American veteran" means any veteran who is a Native American.

(3) The term "Native American" means—

(A) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));¹

(B) a native Hawaiian, as that term is defined in section 201(a)(7) of the Hawaiian Homes Commission Act, 1920 (Public Law 67-34; 42 Stat. 108);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

(4) The term "tribal organization" shall have the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))¹ and shall include the Department of Hawaiian Homelands, in the case of native Hawaiians, and such other organizations as the Secretary may prescribe.

(5) The term "qualified non-Native American veteran" means a veteran who—

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

(B) is not a Native American.

(6) The term "community development financial institution" has the meaning given that term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(7) The term "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) The term "Native community development financial institution" means any entity—

(A) that has been certified as a community development financial institution by the Secretary of the Treasury;

(B) that is not less than 51 percent owned or controlled by Native Americans; and

(C) for which not less than 51 percent of the activities of the entity serve Native Americans.

(9) The term "net tangible benefit" shall have such meaning as the Secretary determines appropriate, but shall include the refinancing of an interim construction loan.

(10) The term "other technical assistance" means services to assist a Native American veteran to navigate the steps necessary for securing a mortgage loan on trust land, including pre-development activities related to utilities, identifying appropriate residential construction services, and obtaining lease clearances and title status reports from the applicable tribal organization or the Bureau of Indian Affairs.

(11) The term "tribally designated housing entity" has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(Added Pub. L. 102-547, §8(a), Oct. 28, 1992, 106 Stat. 3639, §3764; renumbered §3765 and amended Pub. L. 109-233, title I, §104(a)(1), (b), June 15, 2006, 120 Stat. 401, 402; Pub. L. 118-210, title II, §231(e), Jan. 2, 2025, 138 Stat. 2786.)

Editorial Notes

REFERENCES IN TEXT

Section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)), referred to in par. (3)(A), was classified to section 450b(d) of Title 25, Indians, prior to editorial reclassification as section 5304(d) of Title 25.

Section 201(a)(7) of the Hawaiian Homes Commission Act, 1920, referred to in par. (3)(B), was classified to section 692 of Title 48, Territories and Insular Possessions, and was omitted from the Code.

The Native American Programs Act of 1974, referred to in par. (3)(D), is title VIII of Pub. L. 88-452, as added by Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2324, which is classified generally to subchapter VIII (§2991 et seq.) of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 2991 of Title 42 and Tables.

Section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)), referred to in par. (4), was classified to section 450b(l) of Title 25, prior to editorial reclassification as section 5304(l) of Title 25.

The Alaska Native Claims Settlement Act, referred to in par. (7), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

AMENDMENTS

2025—Par. (1)(C). Pub. L. 118-210, §231(e)(1)(A), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "is owned by a Regional Corporation or a Village Corporation, as such terms are defined in section 3(g) and 3(j) of the Alaska Native Claims Settlement Act, respectively (43 U.S.C. 1602(g), (j)); or".

Par. (1)(E), (F). Pub. L. 118-210, §231(e)(1)(B), (C), added subpars. (E) and (F).

Pars. (6) to (11). Pub. L. 118-210, §231(e)(2), added pars. (6) to (11).

2006—Pub. L. 109-233, §104(a)(1), renumbered section 3764 of this title as this section.

¹ See References in Text note below.

Par. (5). Pub. L. 109-233, §104(b), added par. (5).

[SUBCHAPTER VI—TRANSFERRED]

Editorial Notes

CODIFICATION

Former subchapter VI of this chapter, other than section 3771, was transferred to subchapter VI of chapter 20 of this title and inserted after section 2043 of this title, and sections 3772 to 3775 were renumbered sections 2051 to 2054 of this title, respectively, by Pub. L. 107-95, §5(d)(1), Dec. 21, 2001, 115 Stat. 918.

[§3771. Repealed. Pub. L. 107-95, §5(d)(3), Dec. 21, 2001, 115 Stat. 918]

Section, added Pub. L. 105-368, title VI, §601(a), Nov. 11, 1998, 112 Stat. 3342; amended Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675, defined terms “veteran”, “homeless veteran”, and “homeless individual”, for purposes of this subchapter.

[§§ 3772 to 3775. Renumbered §§ 2051 to 2054]

CHAPTER 39—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

Sec.	
3901.	Definitions.
3902.	Assistance for providing automobile and adaptive equipment.
3903.	Limitations on assistance; special training courses.
3904.	Research and development.

Editorial Notes

CODIFICATION

This chapter as added by Pub. L. 91-666, §2(a), Jan. 11, 1971, 84 Stat. 1998, constitutes a general revision of the provisions of a prior chapter 39, as enacted by Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1215, and amended thereafter. The analysis in the original consisted of the following provisions:

“Automobiles For Disabled Veterans” in the chapter heading.

“Veterans eligible for assistance” in item 1901.

“Limitation on types of assistance furnished and veterans otherwise entitled” in item 1902.

“Limitation on amounts paid by United States” in item 1903.

“Prohibition against duplication of benefits” in item 1904.

“Applications” in item 1905.

AMENDMENTS

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1901 to 1904 as 3901 to 3904, respectively.

1976—Pub. L. 94-581, title II, §205(b)(1), Oct. 21, 1976, 90 Stat. 2858, struck out “; coordination with other Federal programs” in item 1904.

1974—Pub. L. 93-538, §§4(c), 5(b), Dec. 22, 1974, 88 Stat. 1737, inserted “; special training courses” in item 1903, and added item 1904.

§ 3901. Definitions

For purposes of this chapter:

(1) The term “eligible person” means the following:

(A) Any veteran entitled to compensation under chapter 11 of this title for any of the following disabilities, if the disability is the result of an injury incurred or disease con-

tracted in or aggravated by active military, naval, air, or space service:

(i) The loss or permanent loss of use of one or both feet.

(ii) The loss or permanent loss of use of one or both hands.

(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

(B) Any member of the Armed Forces serving on active duty who is suffering from any disability described in clause (i), (ii), (iii), or (iv) of subparagraph (A) if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, air, or space service.

(2) The term “adaptive equipment” includes, but is not limited to, power steering, power brakes, power window lifts, power seats, special equipment necessary to assist the eligible person into and out of the automobile or other conveyance, and nonarticulating trailers solely designed to transport powered wheelchairs, powered scooters, or other similar mobility devices. Such term also includes (A) air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and (B) any modification of the size of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

(Added Pub. L. 91-666, §2(a), Jan. 11, 1971, 84 Stat. 1998, §1901; amended Pub. L. 93-538, §2, Dec. 22, 1974, 88 Stat. 1736; Pub. L. 94-433, title III, §303, Sept. 30, 1976, 90 Stat. 1377; Pub. L. 95-116, §1(a), Oct. 3, 1977, 91 Stat. 1062; renumbered §3901, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 111-275, title VIII, §803(a), (b), Oct. 13, 2010, 124 Stat. 2889; Pub. L. 116-283, div. A, title IX, §926(a)(50), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 117-333, §20, Jan. 5, 2023, 136 Stat. 6138.)

Editorial Notes

AMENDMENTS

2023—Par. (2). Pub. L. 117-333 substituted “special” for “and special” and “conveyance, and nonarticulating trailers solely designed to transport powered wheelchairs, powered scooters, or other similar mobility devices.” for “conveyance.”

2021—Par. (1). Pub. L. 116-283 substituted “air, or space service” for “or air service” in subpars. (A) and (B).

2010—Pub. L. 111-275, §803(b)(1), substituted “chapter:” for “chapter—” in introductory provisions.

Par. (1). Pub. L. 111-275, §803(b)(2)(A), substituted “means the following:” for “means—” in introductory provisions.