

### **§ 3977. Premiums and interest guaranteed by United States**

#### **(a) Guarantee of premiums and interest by the United States**

##### **(1) Guarantee**

Payment of premiums, and interest on premiums at the rate specified in section 3976 of this title, which become due on a policy under the protection of this subchapter is guaranteed by the United States. If the amount guaranteed is not paid to the insurer before the period of insurance protection under this subchapter expires, the amount due shall be treated by the insurer as a policy loan on the policy.

##### **(2) Policy termination**

If, at the expiration of insurance protection under this subchapter, the cash surrender value of a policy is less than the amount due to pay premiums and interest on premiums on the policy, the policy shall terminate. Upon such termination, the United States shall pay the insurer the difference between the amount due and the cash surrender value.

#### **(b) Recovery from insured of amounts paid by the United States**

##### **(1) Debt payable to the United States**

The amount paid by the United States to an insurer under this subchapter shall be a debt payable to the United States by the insured on whose policy payment was made.

##### **(2) Collection**

Such amount may be collected by the United States, either as an offset from any amount due the insured by the United States or as otherwise authorized by law.

##### **(3) Debt not dischargeable in bankruptcy**

Such debt payable to the United States is not dischargeable in bankruptcy proceedings.

#### **(c) Crediting of amounts recovered**

Any amounts received by the United States as repayment of debts incurred by an insured under this subchapter shall be credited to the appropriation for the payment of claims under this subchapter.

(Oct. 17, 1940, ch. 888, title IV, § 407, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2853.)

#### **CODIFICATION**

Section was formerly classified to section 547 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### **PRIOR PROVISIONS**

A prior section 407 of act Oct. 17, 1940, ch. 888, art. IV, 54 Stat. 1185; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775; Pub. L. 85-857, § 14(76), Sept. 2, 1958, 72 Stat. 1272; Pub. L. 102-12, § 9(17), Mar. 18, 1991, 105 Stat. 40, related to regulations and finality of determinations, prior to the general amendment of this Act by Pub. L. 108-189. See sections 3978 and 3979 of this title.

### **§ 3978. Regulations**

The Secretary of Veterans Affairs shall prescribe regulations for the implementation of this subchapter.

(Oct. 17, 1940, ch. 888, title IV, § 408, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2854.)

#### **CODIFICATION**

Section was formerly classified to section 548 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### **PRIOR PROVISIONS**

A prior section 408 of act Oct. 17, 1940, ch. 888, art. IV, 54 Stat. 1185; Oct. 6, 1942, ch. 581, § 13, 56 Stat. 776, related to law governing applications for protection prior to Oct. 6, 1942, prior to repeal by Pub. L. 102-12, § 9(18), Mar. 18, 1991, 105 Stat. 40.

### **§ 3979. Review of findings of fact and conclusions of law**

The findings of fact and conclusions of law made by the Secretary of Veterans Affairs in administering this subchapter are subject to review on appeal to the Board of Veterans' Appeals pursuant to chapter 71 of title 38 and to judicial review only as provided in chapter 72 of such title.

(Oct. 17, 1940, ch. 888, title IV, § 409, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2854.)

#### **CODIFICATION**

Section was formerly classified to section 549 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### **PRIOR PROVISIONS**

Prior sections 409 to 414 of article IV of act Oct. 17, 1940, ch. 888, 54 Stat. 1185, 1186, were omitted in the general amendment of article IV by act Oct. 6, 1942, ch. 581, § 13, 56 Stat. 773.

Section 409 related to deduction of unpaid premiums from proceeds of policies.

Section 410 related to lapsing of policy for failure to pay past due premiums upon termination of service.

Section 411 related to accounts stated between insurers and United States.

Section 412 related to payment of balances due insurers by Secretary of the Treasury.

Section 413 related to policies excepted from application of article.

Section 414 related to insurers within application of article.

## **SUBCHAPTER V—TAXES AND PUBLIC LANDS**

### **§ 3991. Taxes respecting personal property, money, credits, and real property**

#### **(a) Application**

This section applies in any case in which a tax or assessment, whether general or special (other than a tax on personal income), falls due and remains unpaid before or during a period of military service with respect to a servicemember's—

(1) personal property (including motor vehicles); or

(2) real property occupied for dwelling, professional, business, or agricultural purposes by a servicemember or the servicemember's dependents or employees—

(A) before the servicemember's entry into military service; and

(B) during the time the tax or assessment remains unpaid.

**(b) Sale of property****(1) Limitation on sale of property to enforce tax assessment**

Property described in subsection (a) may not be sold to enforce the collection of such tax or assessment except by court order and upon the determination by the court that military service does not materially affect the servicemember's ability to pay the unpaid tax or assessment.

**(2) Stay of court proceedings**

A court may stay a proceeding to enforce the collection of such tax or assessment, or sale of such property, during a period of military service of the servicemember and for a period not more than 180 days after the termination of, or release of the servicemember from, military service.

**(c) Redemption**

When property described in subsection (a) is sold or forfeited to enforce the collection of a tax or assessment, a servicemember shall have the right to redeem or commence an action to redeem the servicemember's property during the period of military service or within 180 days after termination of or release from military service. This subsection may not be construed to shorten any period provided by the law of a State (including any political subdivision of a State) for redemption.

**(d) Interest on tax or assessment**

Whenever a servicemember does not pay a tax or assessment on property described in subsection (a) when due, the amount of the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year. An additional penalty or interest shall not be incurred by reason of nonpayment. A lien for such unpaid tax or assessment may include interest under this subsection.

**(e) Joint ownership application**

This section applies to all forms of property described in subsection (a) owned individually by a servicemember or jointly by a servicemember and a dependent or dependents.

(Oct. 17, 1940, ch. 888, title V, § 501, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2854.)

**CODIFICATION**

Section was formerly classified to section 561 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**PRIOR PROVISIONS**

A prior section 501 of act Oct. 17, 1940, ch. 888, art. V, 54 Stat. 1187, related to rights in public lands and grazing lands, prior to the general amendment of this Act by Pub. L. 108-189. See section 3992 of this title.

Provisions similar to this section were contained in section 500 of act Oct. 17, 1940, ch. 888, art. V, 54 Stat. 1186; Oct. 6, 1942, ch. 581, § 14, 56 Stat. 776, prior to the general amendment of this Act by Pub. L. 108-189.

**§ 3992. Rights in public lands****(a) Rights not forfeited**

The rights of a servicemember to lands owned or controlled by the United States, and initiated or acquired by the servicemember under the

laws of the United States (including the mining and mineral leasing laws) before military service, shall not be forfeited or prejudiced as a result of being absent from the land, or by failing to begin or complete any work or improvements to the land, during the period of military service.

**(b) Temporary suspension of permits or licenses**

If a permittee or licensee under the Act of June 28, 1934 (43 U.S.C. 315 et seq.), enters military service, the permittee or licensee may suspend the permit or license for the period of military service and for 180 days after termination of or release from military service.

**(c) Regulations**

Regulations prescribed by the Secretary of the Interior shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during the period of such suspension.

(Oct. 17, 1940, ch. 888, title V, § 502, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2855.)

**REFERENCES IN TEXT**

Act of June 28, 1934, referred to in subsec. (b), is act June 28, 1934, ch. 865, 48 Stat. 1269, popularly known as the Taylor Grazing Act, which is classified principally to subchapter I (§315 et seq.) of chapter 8A of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 315 of Title 43 and Tables.

**CODIFICATION**

Section was formerly classified to section 562 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**PRIOR PROVISIONS**

A prior section 502 of act Oct. 17, 1940, ch. 888, art. V, 54 Stat. 1187, related to homestead entries and settlement claims, prior to the general amendment of this Act by Pub. L. 108-189.

**§ 3993. Desert-land entries****(a) Desert-land rights not forfeited**

A desert-land entry made or held under the desert-land laws before the entrance of the entryman or the entryman's successor in interest into military service shall not be subject to contest or cancellation—

(1) for failure to expend any required amount per acre per year in improvements upon the claim;

(2) for failure to effect the reclamation of the claim during the period the entryman or the entryman's successor in interest is in the military service, or for 180 days after termination of or release from military service; or

(3) during any period of hospitalization or rehabilitation due to an injury or disability incurred in the line of duty.

The time within which the entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time periods described in paragraphs (2) and (3).

**(b) Service-related disability**

If an entryman or claimant is honorably discharged and is unable to accomplish reclama-