

(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under subchapter I.

**(2) Full faith and credit**

**(A) In general**

The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

**(B) Treatment of guarantees**

**(i) In general**

Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

**(ii) Incontestable nature**

The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

**(g) Training and information**

The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

**(h) Limitations on amount of guarantees**

**(1) Aggregate fiscal year limitation**

Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed \$200,000,000 for each of fiscal years 2009 through 2013.

**(2) Authorization of appropriations for credit subsidy**

There are authorized to be appropriated to cover the costs (as defined in section 661a of title 2) of guarantees under this section \$1,000,000 for each of fiscal years 2009 through 2013.

**(3) Aggregate outstanding limitation**

The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed \$1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

**(4) Fiscal year limitations on Indian tribes**

**(A) In general**

The Secretary shall monitor the use of guarantees under this section by Indian tribes.

**(B) Modifications**

If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of \$25,000,000; or

(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

**(i) Report**

Not later than 4 years after October 14, 2008, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

**(j) Termination**

The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.

(Pub. L. 104-330, title VI, § 606, as added Pub. L. 110-411, title VI, § 601(a), Oct. 14, 2008, 122 Stat. 4331.)

CODIFICATION

Another section 606 of Pub. L. 104-330 is set out as an Effective Date note under section 4191 of this title.

SUBCHAPTER VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

**§ 4211. 50-year leasehold interest in trust or restricted lands for housing purposes**

**(a) Authority to lease**

Notwithstanding any other provision of law, any trust or restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, subject to the approval of the affected Indian tribe and the Secretary of the Interior, for housing development and residential purposes.

**(b) Term**

Each lease pursuant to subsection (a) shall be for a term not exceeding 50 years.

**(c) Rule of construction**

This section may not be construed to repeal, limit, or affect any authority to lease any trust or restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law; or

(2) provides for leases for any period exceeding 50 years.

**(d) Self-implementation**

This section is intended to be self-implementing and shall not require the issuance of any

rule, regulation, or order to take effect as provided in section 705.

(Pub. L. 104-330, title VII, § 702, Oct. 26, 1996, 110 Stat. 4050.)

#### REFERENCES IN TEXT

Section 705, referred to in subsec. (d), is section 705 of Pub. L. 104-330, which is set out as an Effective Date note below.

#### EFFECTIVE DATE

Pub. L. 104-330, title VII, § 705, Oct. 26, 1996, 110 Stat. 4052, provided that: “This title [enacting this subchapter and amending sections 1715z-13a and 1721 of Title 12, Banks and Banking, and sections 11902 to 11905 of Title 42, The Public Health and Welfare] and the amendments made by this title (but not including the amendments made by section 704 [amending sections 11902 to 11905 of Title 42]) shall take effect on the date of the enactment of this Act [Oct. 26, 1996].”

### § 4212. Training and technical assistance

There are authorized to be appropriated for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities such sums as may be necessary for each of fiscal years 2009 through 2013.

(Pub. L. 104-330, title VII, § 703, Oct. 26, 1996, 110 Stat. 4051; Pub. L. 107-292, § 2(c), Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110-411, title VII, § 701(c), Oct. 14, 2008, 122 Stat. 4334.)

#### AMENDMENTS

2008—Pub. L. 110-411 substituted “2009 through 2013” for “1997 through 2007”.

2002—Pub. L. 107-292 substituted “1997 through 2007” for “1997, 1998, 1999, 2000, and 2001”.

#### EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 705 of Pub. L. 104-330, set out as a note under section 4211 of this title.

## SUBCHAPTER VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

### § 4221. Definitions

In this subchapter:

#### (1) Department of Hawaiian Home Lands; Department

The term “Department of Hawaiian Home Lands” or “Department” means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

#### (2) Director

The term “Director” means the Director of the Department of Hawaiian Home Lands.

#### (3) Elderly families; near-elderly families

##### (A) In general

The term “elderly family” or “near-elderly family” means a family whose head (or his or her spouse), or whose sole member, is—

(i) for an elderly family, an elderly person; or

(ii) for a near-elderly family, a near-elderly person.

#### (B) Certain families included

The term “elderly family” or “near-elderly family” includes—

(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

#### (4) Hawaiian Home Lands

The term “Hawaiian Home Lands” means lands that—

(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110); or

(B) are acquired pursuant to that Act.

#### (5) Housing area

The term “housing area” means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this chapter.

#### (6) Housing entity

The term “housing entity” means the Department of Hawaiian Home Lands.

#### (7) Housing plan

The term “housing plan” means a plan developed by the Department of Hawaiian Home Lands.

#### (8) Median income

The term “median income” means, with respect to an area that is a Hawaiian housing area, the greater of—

(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

(B) the median income for the State of Hawaii.

#### (9) Native Hawaiian

The term “Native Hawaiian” means any individual who is—

(A) a citizen of the United States; and

(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

(i) genealogical records;

(ii) verification by kupuna (elders) or kama’aina (long-term community residents); or

(iii) birth records of the State of Hawaii.

(Pub. L. 104-330, title VIII, § 801, as added Pub. L. 106-568, title II, § 203, Dec. 27, 2000, 114 Stat. 2876, and Pub. L. 106-569, title V, § 513, Dec. 27, 2000, 114 Stat. 2969.)

#### REFERENCES IN TEXT

The Hawaiian Homes Commission Act, 1920, referred to in pars. (1) and (4)(B), is act July 9, 1921, ch. 42, 42 Stat. 108, as amended, which was classified generally to sections 691 to 718 of Title 48, Territories and Insular Possessions, and was omitted from the Code.