

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.

(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.

(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.)

AMENDMENTS

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).

§ 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.

(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.)

AMENDMENTS

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.

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 termi-

nation 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.)

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 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

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

(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.

(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.)

REFERENCES IN TEXT

Section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)), referred to

¹ See References in Text note below.

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.

AMENDMENTS

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

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

[SUBCHAPTER VI—TRANSFERRED]

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.

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.