

owned or operated pursuant to a contract under the United States Housing Act of 1937 between the Secretary and the Indian housing authority for the tribe.” 1998—Subsec. (a). Pub. L. 105-276 redesignated par. (1) as (1)(A), par. (2) as (1)(B), and par. (3) as (2), and inserted “or” at end of par. (1)(A).

EFFECTIVE DATE

Section effective on the date provided by the Secretary of Housing and Urban Development pursuant to section 4116(a) of this title to provide for timely submission and review of Indian housing plans as necessary for the provision of assistance under this chapter in fiscal year 1998, see section 4113(e) of this title.

§ 4113. Review of plans

(a) Review and notice

(1) Review

The Secretary shall conduct a limited review of each Indian housing plan submitted to the Secretary to ensure that the plan complies with the requirements of section 4112 of this title. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

(2) Notice

The Secretary shall notify each Indian tribe for which a plan is submitted and any tribally designated housing entity for the tribe whether the plan complies with such requirements not later than 60 days after receiving the plan. If the Secretary does not notify the Indian tribe, as required under this subsection and subsection (b) of this section, the plan shall be considered, for purposes of this chapter, to have been determined to comply with the requirements under section 4112 of this title and the tribe shall be considered to have been notified of compliance upon the expiration of such 60-day period.

(b) Notice of reasons for determination of non-compliance

If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 4112 of this title, the Secretary shall specify in the notice under subsection (a) of this section the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 4112 of this title.

(c) Review

After submission of the Indian housing plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

- (1) set forth the information required by section 4112 of this title to be contained in an Indian housing plan;
- (2) are consistent with information and data available to the Secretary; and
- (3) are not prohibited by or inconsistent with any provision of this chapter or other applicable law.

If the Secretary determines that any of the appropriate certifications required under section

4112(c)(5)¹ of this title are not included in the plan, the plan shall be deemed to be incomplete.

(d) Updates to plan

After a plan under section 4112 of this title has been submitted for an Indian tribe for any tribal program year, the tribe may comply with the provisions of such section for any succeeding tribal program year by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

(e) Self-determined activities program

Notwithstanding any other provision of this section, the Secretary—

(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4)² and (c)(7)³ only to determine whether the information is included for purposes of compliance with the requirement under section 4145a(b)(2)⁴ of this title; and

(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4)² and (c)(7).³

(Pub. L. 104-330, title I, §103, Oct. 26, 1996, 110 Stat. 4026; Pub. L. 105-276, title V, §595(e)(6), Oct. 21, 1998, 112 Stat. 2657; Pub. L. 110-411, title I, §103, Oct. 14, 2008, 122 Stat. 4323.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(2) and (c)(3), was in the original “this Act”, meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

Section 4112(c)(5) of this title, referred to in subsec. (c), was repealed by Pub. L. 110-411, title I, §102(2), Oct. 14, 2008, 122 Stat. 4321.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-411, §103(1), substituted “tribal program” for “fiscal” in two places, struck out “(with respect to information included for the 5-year period under section 4112(b) of this title or the 1-year period under section 4112(c) of this title)” before “by submitting only such information”, and struck out at end “Not less than once every 5 years, the tribe shall submit a complete plan.”

Subsec. (e). Pub. L. 110-411, §103(2), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: “This section and section 4112 of this title shall take effect on the date provided by the Secretary pursuant to section 4116(a) of this title to provide for timely submission and review of Indian housing plans as necessary for the provision of assistance under this chapter in fiscal year 1998.”

1998—Subsec. (c)(3). Pub. L. 105-276 inserted “not” before “prohibited”.

§ 4114. Treatment of program income and labor standards

(a) Program income

(1) Authority to retain

Notwithstanding any other provision of this chapter, a recipient may retain any program

¹ See References in Text note below.

² So in original. Subsec. (b) of this section does not contain a par. (4).

³ So in original. Subsec. (c) of this section does not contain a par. (7).

⁴ So in original. Section 4145a(b) of this title does not contain a par. (2).