

(4) describe the manner in which the Department would change its housing plan submitted under section 4223 of this title as a result of its experiences.

**(c) Submissions**

The Secretary shall—

(1) establish a date for submission of each report under this section;

(2) review each such report; and

(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this subchapter.

**(d) Public availability**

**(1) Comments by beneficiaries**

In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

**(2) Summary of comments**

The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

(Pub. L. 104-330, title VIII, § 820, as added Pub. L. 106-568, title II, § 203, Dec. 27, 2000, 114 Stat. 2893, and Pub. L. 106-569, title V, § 513, Dec. 27, 2000, 114 Stat. 2987.)

REFERENCES IN TEXT

The Hawaiian Homes Commission Act, 1920, referred to in subsec. (d)(1), 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.

CODIFICATION

Pub. L. 106-568, § 203, and Pub. L. 106-569, § 513, enacted identical sections 820 of Pub. L. 104-330. This section is based on the text of section 820 of Pub. L. 104-330, as added by Pub. L. 106-569, § 513.

**§ 4240. Review and audit by Secretary**

**(a) Annual review**

**(1) In general**

The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

(A) the Director has—

(i) carried out eligible activities under this subchapter in a timely manner;

(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this subchapter and with other applicable laws; and

(iii) a continuing capacity to carry out the eligible activities in a timely manner;

(B) the Director has complied with the housing plan submitted by the Director under section 4223 of this title; and

(C) the performance reports of the Department under section 4240<sup>1</sup> of this title are accurate.

<sup>1</sup> So in original. Probably should be section “4239”.

**(2) Onsite visits**

Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

**(b) Report by Secretary**

The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subchapter. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

**(c) Effect of reviews**

The Secretary may make appropriate adjustments in the amount of annual grants under this subchapter in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

(Pub. L. 104-330, title VIII, § 821, as added Pub. L. 106-568, title II, § 203, Dec. 27, 2000, 114 Stat. 2894, and Pub. L. 106-569, title V, § 513, Dec. 27, 2000, 114 Stat. 2988.)

CODIFICATION

Pub. L. 106-568, § 203, and Pub. L. 106-569, § 513, enacted identical sections 821 of Pub. L. 104-330. This section is based on the text of section 821 of Pub. L. 104-330, as added by Pub. L. 106-569, § 513.

**§ 4241. Government Accountability Office audits**

To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this subchapter relate to amounts provided under this subchapter, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

(Pub. L. 104-330, title VIII, § 822, as added Pub. L. 106-568, title II, § 203, Dec. 27, 2000, 114 Stat. 2895, and Pub. L. 106-569, title V, § 513, Dec. 27, 2000, 114 Stat. 2989; amended Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Pub. L. 106-568, § 203, and Pub. L. 106-569, § 513, enacted identical sections 822 of Pub. L. 104-330. This section is based on the text of section 822 of Pub. L. 104-330, as added by Pub. L. 106-569, § 513.

## AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline.

**§ 4242. Reports to Congress****(a) In general**

Not later than 90 days after the conclusion of each fiscal year in which assistance under this subchapter is made available, the Secretary shall submit to Congress a report that contains—

- (1) a description of the progress made in accomplishing the objectives of this subchapter;
- (2) a summary of the use of funds available under this subchapter during the preceding fiscal year; and
- (3) a description of the aggregate outstanding loan guarantees under section 1715z-13b of title 12.

**(b) Related reports**

The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a) of this section.

(Pub. L. 104-330, title VIII, § 823, as added Pub. L. 106-568, title II, § 203, Dec. 27, 2000, 114 Stat. 2895, and Pub. L. 106-569, title V, § 513, Dec. 27, 2000, 114 Stat. 2989.)

## CODIFICATION

Pub. L. 106-568, § 203, and Pub. L. 106-569, § 513, enacted identical sections 823 of Pub. L. 104-330. This section is based on the text of section 823 of Pub. L. 104-330, as added by Pub. L. 106-569, § 513.

**§ 4243. Authorization of appropriations**

There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this subchapter such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

(Pub. L. 104-330, title VIII, § 824, as added Pub. L. 106-568, title II, § 203, Dec. 27, 2000, 114 Stat. 2895, and Pub. L. 106-569, title V, § 513, Dec. 27, 2000, 114 Stat. 2989.)

## CODIFICATION

Pub. L. 106-568, § 203, and Pub. L. 106-569, § 513, enacted substantially identical sections 824 of Pub. L. 104-330. This section is based on the text of section 824 of Pub. L. 104-330, as added by Pub. L. 106-569, § 513. Section 824 of Pub. L. 104-330, as added by Pub. L. 106-568, § 203, authorized appropriations for fiscal years 2000 to 2004, instead of fiscal years 2001 to 2005.

**CHAPTER 44—NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM**

|       |                                                 |
|-------|-------------------------------------------------|
| Sec.  |                                                 |
| 4301. | Findings; purposes.                             |
| 4302. | Definitions.                                    |
| 4303. | Office of Native American Business Development. |
| 4304. | Native American trade and export promotion.     |
| 4305. | Intertribal tourism demonstration projects.     |
| 4306. | Report to Congress.                             |
| 4307. | Authorization of appropriations.                |

**§ 4301. Findings; purposes****(a) Findings**

Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and