

§ 4145a. Program authority**(a) Definition of qualifying Indian tribe**

In this section, the term “qualifying Indian tribe” means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

- (1) to or on behalf of which a grant is made under section 4111 of this title;
- (2) that has complied with the requirements of section 4112(b)(6)¹ of this title; and
- (3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

(A) the annual audits of that period completed under chapter 75 of title 31 (commonly known as the “Single Audit Act”); or

(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

(b) Authority

Under the program under this part, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this part.

(c) Amounts

With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 4111 of this title to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

- (1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and
- (2) \$2,000,000.

(Pub. L. 104-330, title II, § 232, as added Pub. L. 110-411, title II, § 206(a)(2), Oct. 14, 2008, 122 Stat. 4326.)

§ 4145b. Use of amounts for housing activities**(a) Eligible housing activities**

Any amounts made available for use under this part by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 4112(b)(6)¹ of this title, for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 4132 of this title to provide a benefit to families described in section 4131(b)(1) of this title.

(b) Prohibition on certain activities

Amounts made available for use under this part may not be used for commercial or economic development.

(Pub. L. 104-330, title II, § 233, as added Pub. L. 110-411, title II, § 206(a)(2), Oct. 14, 2008, 122 Stat. 4327.)

¹ So in original. Section 4112(b) of this title does not contain a par. (6).

¹ So in original. Section 4112(b) of this title does not contain a par. (6).

§ 4145c. Inapplicability of other provisions**(a) In general**

Except as otherwise specifically provided in this chapter, subchapter I, part A of subchapter II, and subchapters III through VIII shall not apply to—

- (1) the program under this part; or
- (2) amounts made available in accordance with this part.

(b) Applicable provisions

The following provisions of subchapters I through VIII shall apply to the program under this part and amounts made available in accordance with this part:

- (1) Section 4111(c) of this title (relating to local cooperation agreements).
- (2) Subsections (d) and (e) of section 4111 of this title (relating to tax exemption).
- (3) Section 4111(j) of this title (relating to Federal supply sources).
- (4) Section 4111(k) of this title (relating to tribal preference in employment and contracting).

(5) Section 4112(b)(4)¹ of this title (relating to certification of compliance).

(6) Section 4114 of this title (relating to treatment of program income and labor standards).

(7) Section 4115 of this title (relating to environmental review).

(8) Section 4131(b) of this title (relating to eligible families).

(9) Section 4133(c) of this title (relating to insurance coverage).

(10) Section 4133(g) of this title (relating to a de minimis exemption for procurement of goods and services).

(11) Section 4136² of this title (relating to treatment of funds).

(12) Section 4139 of this title (relating to noncompliance with affordable housing requirement).

(13) Section 4161 of this title (relating to remedies for noncompliance).

(14) Section 4168 of this title (relating to public availability of information).

(15) Section 4211 of this title (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

(Pub. L. 104-330, title II, § 234, as added Pub. L. 110-411, title II, § 206(a)(2), Oct. 14, 2008, 122 Stat. 4327.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

Subchapters I through VIII, referred to in subsecs. (a) and (b), were in the original references to titles I through VIII of Pub. L. 104-330, which enacted subchapters I through VIII of this chapter. In addition to enacting subchapter V, title V enacted section 12899h-1 of Title 42, The Public Health and Welfare, amended

¹ So in original. Section 4112(b) of this title does not contain a par. (4).

² See References in Text note below.

sections 1437a, 1437c to 1437e, 1437g, 1437l, 1437n, 1437u to 1437x, 1437aaa-5, 1437aaa-6, 1439, 11371 to 11376, 11382, 11401, 11403g, 11408, 11903a, 12747, and 12838 of Title 42, repealed sections 1437aa to 1437ee of Title 42, enacted provisions set out as notes under sections 11371, 12747, and 12899h-1 of Title 42, amended provisions set out as a note under section 11301 of Title 42, and repealed provisions set out as a note under section 1701z-6 of Title 12, Banks and Banking. In addition to enacting subchapter VII, title VII amended sections 1715z-13a and 1721 of Title 12 and sections 11902 to 11905 of Title 42. For complete classification of titles I to VIII to the Code, see Short Title note set out under section 4101 of this title and Tables.

Section 4136 of this title, referred to in subsec. (b)(11), related to certification of compliance with subsidy layering requirements and was repealed by Pub. L. 106-568, title X, §1003(k)(2), Dec. 27, 2000, 114 Stat. 2930 and Pub. L. 106-569, title V, §503(j)(2), Dec. 27, 2000, 114 Stat. 2966.

§ 4145d. Review and report

(a) Review

During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this part to determine—

- (1) the housing constructed, acquired, or rehabilitated under the program;
- (2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;
- (3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and
- (4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 4111 of this title that may be used under the program.

(b) Report

Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this part), including—

- (1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 4145a(c) of this title that may be used under the program; and
- (2) recommendations for—
 - (A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and
 - (ii) the period for which such a prohibition should remain in effect; or
 - (B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

(c) Provision of information to Secretary

Notwithstanding any other provision of this chapter, recipients participating in the program under this part shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.

(Pub. L. 104-330, title II, §235, as added Pub. L. 110-411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4328.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), 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.

SUBCHAPTER III—ALLOCATION OF GRANT AMOUNTS

§ 4151. Annual allocation

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this chapter for the fiscal year, in accordance with the formula established pursuant to section 4152 of this title, among Indian tribes that comply with the requirements under this chapter for a grant under this chapter.

(Pub. L. 104-330, title III, §301, Oct. 26, 1996, 110 Stat. 4036.)

REFERENCES IN TEXT

This chapter, referred to in text, 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.

EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

§ 4152. Allocation formula

(a) Establishment

(1) In general

The Secretary shall, by regulations issued not later than the expiration of the 12-month period beginning on October 26, 1996, in the manner provided under section 4116 of this title, establish a formula to provide for allocating amounts available for a fiscal year for block grants under this chapter among Indian tribes in accordance with the requirements of this section.

(2) Study of need data

(A) In general

The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

- (i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and
- (ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined