

entities, shall ensure long-term compliance with the provisions of this subchapter.

**(2) Measures**

The measures referred to in paragraph (1) shall provide for—

(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this subchapter by the Department and the Secretary; and

(B) remedies for breach of the provisions referred to in paragraph (1).

**(b) Periodic monitoring**

**(1) In general**

Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this subchapter to assess compliance with the requirements of this subchapter.

**(2) Review**

Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

**(3) Results**

The results of each review under paragraph (1) shall be—

(A) included in a performance report of the Director submitted to the Secretary under section 4239 of this title; and

(B) made available to the public.

**(c) Performance measures**

The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this subchapter.

(Pub. L. 104-330, title VIII, §819, 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.)

CODIFICATION

Pub. L. 106-568, §203, and Pub. L. 106-569, §513, enacted identical sections 819 of Pub. L. 104-330. This section is based on the text of section 819 of Pub. L. 104-330, as added by Pub. L. 106-569, §513.

**§ 4239. Performance reports**

**(a) Requirement**

For each fiscal year, the Director shall—

(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 4223 of this title; and

(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

**(b) Content**

Each report submitted under this section for a fiscal year shall—

(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

(3) indicate the programmatic accomplishments of the Department; and

(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".