

§ 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.