

(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.

**(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 subsection. 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.

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