

ance with the policies and goals set forth in the Indian housing plan for the tribe that is the grant beneficiary of such grant amounts; and

(B) the prompt notification in writing to any rejected applicant of that rejection and the grounds for that rejection.

(Pub. L. 104-330, title II, §207, Oct. 26, 1996, 110 Stat. 4034; Pub. L. 105-276, title V, §595(b), (e)(9), Oct. 21, 1998, 112 Stat. 2656, 2658.)

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.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-276, §595(b)(1), (2), in heading substituted “Tenant and homebuyer selection” for “Tenant selection” and, in introductory provisions, inserted “and homebuyer” after “tenant”.

Subsec. (b)(3)(A). Pub. L. 105-276, §595(b)(3), inserted “and homebuyers” after “tenants”.

Subsec. (b)(3)(B). Pub. L. 105-276, §595(e)(9), substituted “to any rejected applicant of that rejection and the grounds for that rejection” for “of any rejected applicant of the grounds for any rejection”.

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.

§ 4138. Availability of records

(a) Provision of information

Notwithstanding any other provision of law, except as provided in subsection (b), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to Indian tribes or tribally designated housing entities regarding the criminal conviction records of applicants for employment, and of adult applicants for, or tenants of, housing assisted with grant amounts provided to such tribe or entity under this chapter for purposes of applicant screening, lease enforcement, and eviction.

(b) Exception

A law enforcement agency described in subsection (a) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(c) Confidentiality

An Indian tribe or tribally designated housing entity receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the tribe or entity or the owner of housing assisted under this chapter, and who has a job-related need to have access to the information for the purposes under this section. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary

shall, by regulation, establish procedures necessary to ensure that information provided under this section to any tribe or entity is used, and confidentiality is maintained, as required under this section.

(Pub. L. 104-330, title II, §208, Oct. 26, 1996, 110 Stat. 4035; Pub. L. 105-276, title V, §595(e)(10), Oct. 21, 1998, 112 Stat. 2658; Pub. L. 110-411, title II, §205, Oct. 14, 2008, 122 Stat. 4326.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (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.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-411 inserted “applicants for employment, and of” after “records of”.

1998—Subsec. (a). Pub. L. 105-276, §595(e)(10)(A), substituted “subsection (b)” for “paragraph (2)”.

Subsec. (b). Pub. L. 105-276, §595(e)(10)(B), substituted “subsection (a)” for “paragraph (1)”.

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.

§ 4139. Noncompliance with affordable housing requirement

If a recipient uses grant amounts to provide affordable housing under this subchapter, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 4135(a)(2) of this title, the Secretary shall take appropriate action under section 4161(a) of this title.

(Pub. L. 104-330, title II, §209, Oct. 26, 1996, 110 Stat. 4035; Pub. L. 105-276, title V, §595(c), Oct. 21, 1998, 112 Stat. 2656; Pub. L. 106-568, title X, §1003(f)(1), Dec. 27, 2000, 114 Stat. 2927; Pub. L. 106-569, title V, §503(e)(1), Dec. 27, 2000, 114 Stat. 2962.)

AMENDMENTS

2000—Pub. L. 106-568 and Pub. L. 106-569 generally amended section catchline and text identically. Prior to amendment, text read as follows: “If a recipient uses grant amounts to provide affordable housing under activities under this subchapter and, at any time during the useful life of the housing the housing does not comply with the requirement under section 4135(a)(2) of this title, the Secretary shall reduce future grant payments on behalf of the grant beneficiary by an amount equal to the grant amounts used for such housing (under the authority under section 4161(a)(2) of this title) or require repayment to the Secretary of an amount equal to such grant amounts.”

1998—Pub. L. 105-276 made technical amendment to reference in original act which appears in text as reference to section 4135(a)(2) of this title.

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.

§ 4140. Continued use of amounts for affordable housing

Any funds for programs for low-income housing under the United States Housing Act of 1937