

[42 U.S.C. 1437 et seq.] that, on the date of the applicability of this chapter to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this chapter and subject to the provisions of this chapter relating to use of such assistance.

(Pub. L. 104-330, title II, §210, Oct. 26, 1996, 110 Stat. 4036.)

REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in text, is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The date of the applicability of this chapter, referred to in text, probably means the effective date of Pub. L. 104-330, which is Oct. 1, 1997, except as otherwise expressly provided. See section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of this title.

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.

PART B—SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES

§ 4145. Purpose

The purpose of this part is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 4111 of this title for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

(Pub. L. 104-330, title II, §231, as added Pub. L. 110-411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4326.)

§ 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 ma-

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

terial 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.)

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