

## AMENDMENTS

2008—Subsec. (a)(2) to (4). Pub. L. 110-411 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

2000—Subsec. (a). Pub. L. 106-568, §1003(h), and Pub. L. 106-569, §503(g), amended subsec. (a) identically, designating existing provisions as par. (1), inserting heading, redesignating former pars. (1) to (4) as subpars. (A) to (D), respectively, of par. (1), realigning margins, designating concluding provisions as par. (2), inserting heading, substituting “If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)” for “If the Secretary takes an action under paragraph (1), (2), or (3)”, and adding par. (3).

Subsec. (b). Pub. L. 106-568, §1003(i), and Pub. L. 106-569, §503(h), amended subsec. (b) identically, designating existing provisions as par. (1), inserting heading, redesignating former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigning margins of concluding provisions, inserting “, if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement” before period at end of concluding provisions, and adding pars. (2) to (4).

## 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.

**§ 4162. Replacement of recipient****(a) Authority**

As a condition of the Secretary making a grant under this chapter on behalf of an Indian tribe, the tribe shall agree that, notwithstanding any other provision of law, the Secretary may, only in the circumstances set forth in subsection (b), require that a replacement tribally designated housing entity serve as the recipient for the tribe, in accordance with subsection (c).

**(b) Conditions of removal**

The Secretary may require such replacement tribally designated housing entity for a tribe only upon a determination by the Secretary on the record after opportunity for a hearing that the recipient for the tribe has engaged in a pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements under this chapter.

**(c) Choice and term of replacement**

If the Secretary requires that a replacement tribally designated housing entity serve as the recipient for a tribe (or tribes)—

(1) the replacement entity shall be an entity mutually agreed upon by the Secretary and the tribe (or tribes) for which the recipient was authorized to act, except that if no such entity is agreed upon before the expiration of the 60-day period beginning upon the date that the Secretary makes the determination under subsection (b), the Secretary shall act as the replacement entity until agreement is reached upon a replacement entity; and

(2) the replacement entity (or the Secretary, as provided in paragraph (1)) shall act as the tribally designated housing entity for the tribe (or tribes) for a period that expires upon—

(A) a date certain, which shall be specified by the Secretary upon making the determination under subsection (b); or

(B) the occurrence of specific conditions, which conditions shall be specified in written notice provided by the Secretary to the tribe upon making the determination under subsection (b).

(Pub. L. 104-330, title IV, § 402, Oct. 26, 1996, 110 Stat. 4039.)

## REFERENCES IN TEXT

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

**§ 4163. Monitoring of compliance****(a) Enforceable agreements**

Each recipient, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this chapter. Such measures shall provide for (1) enforcement of the provisions of this chapter by the grant beneficiary or by recipients and other intended beneficiaries, and (2) remedies for the breach of such provisions.

**(b) Periodic monitoring**

Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this chapter to assess compliance with the requirements of this chapter. Such review shall include an appropriate level of onsite inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 4164 of this title and 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 chapter.

(Pub. L. 104-330, title IV, § 403, Oct. 26, 1996, 110 Stat. 4039; Pub. L. 110-411, title IV, § 402, Oct. 14, 2008, 122 Stat. 4330.)

## 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

2008—Subsec. (b). Pub. L. 110-411 inserted “an appropriate level of” after “shall include”.

## 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.

**§ 4164. Performance reports****(a) Requirement**

For each fiscal year, each recipient shall—

- (1) review the progress it has made during such fiscal year in carrying out the Indian housing plan (or plans) for the Indian tribes for which it administers grant amounts; 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 under this section for a fiscal year shall—

- (1) describe the use of grant amounts provided to the recipient for such fiscal year;
- (2) assess the relationship of such use to the planned activities identified in the Indian housing plan of the grant beneficiary; and
- (3) indicate the programmatic accomplishments of the recipient.

**(c) Submission**

The Secretary shall establish dates for submission of reports under this section, and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this chapter.

**(d) Public availability**

A recipient preparing a report under this section shall make the report publicly available to the citizens in the jurisdiction of the recipient in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the recipient may determine. The report shall include a summary of any comments received by the grant beneficiary or recipient from citizens in its jurisdiction regarding its program.

(Pub. L. 104-330, title IV, §404, Oct. 26, 1996, 110 Stat. 4040; Pub. L. 110-411, title IV, §403, Oct. 14, 2008, 122 Stat. 4330.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (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. (b)(2). Pub. L. 110-411, §403(1), substituted “planned activities” for “goals” and inserted “and” after semicolon at end.

Subsec. (b)(3), (4). Pub. L. 110-411, §403(2), (3), substituted period for “; and” at end of par. (3) and struck out par. (4) which read as follows: “describe the manner in which the recipient would change its programs as a result of its experiences.”

## 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.

**§ 4165. Review and audit by Secretary****(a) Requirements under chapter 75 of title 31**

An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of

chapter 75 of title 31, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

**(b) Additional reviews and audits****(1) In general**

In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

(A) determine whether the recipient—

- (i) has carried out—
  - (I) eligible activities in a timely manner; and
  - (II) eligible activities and certification in accordance with this chapter and other applicable law;
- (ii) has a continuing capacity to carry out eligible activities in a timely manner; and
- (iii) is in compliance with the Indian housing plan of the recipient; and

(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 4164 of this title.

**(2) On-site visits**

To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

**(c) Review of reports****(1) In general**

The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

**(2) Public availability**

After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

- (A) may revise the report; and
- (B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

**(d) Effect of reviews**

Subject to section 4161(a) of this title, after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this chapter in accordance with the findings of the Secretary with respect to those reports and audits.

(Pub. L. 104-330, title IV, §405, Oct. 26, 1996, 110 Stat. 4040; Pub. L. 106-568, title X, §1003(f)(2), Dec. 27, 2000, 114 Stat. 2927; Pub. L. 106-569, title V, §503(e)(2), Dec. 27, 2000, 114 Stat. 2963.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1)(A)(i)(II) and (d), was in the original “this Act”, meaning Pub. L.