

(1) that is limited to providing planning services and construction management services (or a combination of such services);

(2) for the Housing Improvement Program or roads maintenance program of the Bureau of Indian Affairs administered by the Secretary of the Interior; or

(3) for the health facility maintenance and improvement program administered by the Secretary of Health and Human Services.

(Pub. L. 93-638, §4, Jan. 4, 1975, 88 Stat. 2204; Pub. L. 100-472, title I, §103, Oct. 5, 1988, 102 Stat. 2286; Pub. L. 100-581, title II, §208, Nov. 1, 1988, 102 Stat. 2940; Pub. L. 101-301, §2(a)(1)-(3), May 24, 1990, 104 Stat. 206; Pub. L. 101-644, title II, §202(1), (2), Nov. 29, 1990, 104 Stat. 4665; Pub. L. 103-413, title I, §102(1), Oct. 25, 1994, 108 Stat. 4250.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, known as the Indian Self-Determination and Education Assistance Act, which is classified principally to this subchapter (§450 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (e), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43, and Tables.

Part A of this subchapter, referred to in subsec. (j), was in the original "title I of this act", meaning title I of Pub. L. 93-638, known as the Indian Self-Determination Act, which is classified principally to part A (§450f et seq.) of this subchapter. For complete classification of title I to the Code, see Short Title note set out under section 450 of this title and Tables.

Section 450j(a) of this title, referred to in subsec. (j), was repealed and a new subsec. (a) of section 450j was added by Pub. L. 103-413, title I, §102(10), Oct. 25, 1994, 108 Stat. 4253, which does not contain provisos.

#### AMENDMENTS

1994—Subsec. (g). Pub. L. 103-413, §102(1)(A), substituted "indirect cost rate" for "indirect costs rate".

Subsec. (m). Pub. L. 103-413, §102(1)(B)-(D), added subsec. (m).

1990—Subsec. (e). Pub. L. 101-301, §2(a)(1), inserted a comma before "which is recognized".

Subsec. (h). Pub. L. 101-644, §202(1), struck out "in existence on October 5, 1988," before "which meets this definition".

Subsec. (j). Pub. L. 101-644, §202(2), substituted "contract (or grant or cooperative agreement utilized under section 450e-1 of this title) entered" for "contract entered" in two places.

Pub. L. 101-301, §2(a)(2), (3), substituted "under this subchapter" for "pursuant to this Act" in two places and struck out "the" before "Secretary".

1988—Pub. L. 100-472 amended section generally, substituting subsections (a) to (l) for former subsections (a) to (d) and (f) which defined "Indian", "Indian tribe", "Tribal organization", "Secretary", and "State education agency".

Subsec. (h). Pub. L. 100-581, §208(a)(1), substituted "by a tribal organization" for "by tribal organization".

Pub. L. 100-581, §208(a)(2), which directed the amendment of subsec. (h) by substituting "a tribal organization or the tribal organization's Indian tribe for purposes of section 450f(a) of this title" for "a tribal organization or a tribal governing body" was executed by substituting the new language for "a tribal organiza-

tion or tribal governing body" to reflect the probable intent of Congress.

Subsec. (j). Pub. L. 100-581, §208(b), substituted "the Secretary for the planning" for "Secretary the planning" and "except as provided the last proviso in section 450j(a) of this title, no contract" for "no contract".

### § 450c. Reporting and audit requirements for recipients of Federal financial assistance

#### (a) Maintenance of records

(1) Each recipient of Federal financial assistance under this subchapter shall keep such records as the appropriate Secretary shall prescribe by regulation promulgated under sections 552 and 553 of title 5, including records which fully disclose—

(A) the amount and disposition by such recipient of the proceeds of such assistance,

(B) the cost of the project or undertaking in connection with which such assistance is given or used,

(C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and

(D) such other information as will facilitate an effective audit.

(2) For the purposes of this subsection, such records for a mature contract shall consist of quarterly financial statements for the purpose of accounting for Federal funds, the annual single-agency audit required by chapter 75 of title 31<sup>1</sup> and a brief annual program report.

#### (b) Access to books, documents, papers, and records for audit and examination by Comptroller General, etc.

The Comptroller General and the appropriate Secretary, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in the preceding subsection of this section, have access (for the purpose of audit and examination) to any books, documents, papers, and records of such recipients which in the opinion of the Comptroller General or the appropriate Secretary may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to in the preceding subsection.

#### (c) Availability by recipient of required reports and information to Indian people served or represented

Each recipient of Federal financial assistance referred to in subsection (a) of this section shall make such reports and information available to the Indian people served or represented by such recipient as and in a manner determined to be adequate by the appropriate Secretary.

#### (d) Repayment to Treasury by recipient of unexpended or unused funds

Except as provided in section 13a or 450j-1(a)(3)<sup>2</sup> of this title, funds paid to a financial assistance recipient referred to in subsection (a) of this section and not expended or used for the purposes for which paid shall be re-

<sup>1</sup> So in original. Probably should be followed by a comma.

<sup>2</sup> See References in Text note below.

paid to the Treasury of the United States through the respective Secretary.

**(e) Annual report to tribes**

The Secretary shall report annually in writing to each tribe regarding projected and actual staffing levels, funding obligations, and expenditures for programs operated directly by the Secretary serving that tribe.

**(f) Single-agency audit report; additional information; declination criteria and procedures**

(1) For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract entered into, or grant made, under this subchapter, the tribal organization that requested such contract or grant shall submit to the appropriate Secretary a single-agency audit report required by chapter 75 of title 31.

(2) In addition to submitting a single-agency audit report pursuant to paragraph (1), a tribal organization referred to in such paragraph shall submit such additional information concerning the conduct of the program, function, service, or activity carried out pursuant to the contract or grant that is the subject of the report as the tribal organization may negotiate with the Secretary.

(3) Any disagreement over reporting requirements shall be subject to the declination criteria and procedures set forth in section 450f of this title.

(Pub. L. 93-638, §5, formerly §5 and title I, §108, Jan. 4, 1975, 88 Stat. 2204, 2212; renumbered and amended Pub. L. 100-472, title I, §104, title II, §208, Oct. 5, 1988, 102 Stat. 2287, 2296; Pub. L. 100-581, title II, §209, Nov. 1, 1988, 102 Stat. 2940; Pub. L. 101-301, §2(a)(4), May 24, 1990, 104 Stat. 206; Pub. L. 101-644, title II, §202(3), Nov. 29, 1990, 104 Stat. 4665; Pub. L. 103-413, title I, §102(2), Oct. 25, 1994, 108 Stat. 4250.)

REFERENCES IN TEXT

Section 450j-1(a)(3) of this title, referred to in subsec. (d), was repealed and a new subsec. (a)(3) of section 450j-1 was added by Pub. L. 103-413, title I, §102(14)(C), Oct. 25, 1994, 108 Stat. 4257. See section 450j-1(a)(4) of this title.

AMENDMENTS

1994—Subsec. (f). Pub. L. 103-413 added subsec. (f) and struck out former subsec. (f) which read as follows: “For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this subchapter, the Indian tribe which requested such contract or grant shall submit to the appropriate Secretary a report including, but not limited to, an accounting of the amounts and purposes for which Federal funds were expended, information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request through regulations promulgated under sections 552 and 553 of title 5.”

1990—Subsec. (a)(2). Pub. L. 101-301 substituted “chapter 75 of title 31” for “the Single Audit Act of 1984 (98 Stat. 2327, 31 U.S.C. 7501 et seq.).”

Subsec. (d). Pub. L. 101-644 substituted “Except as provided in section 13a or 450j-1(a)(3) of this title,” for “Any” and inserted “through the respective Secretary” before period at end.

1988—Subsec. (a). Pub. L. 100-472, §104(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Each recipient of Federal financial as-

sistance from the Secretary of Interior or the Secretary of Health Education, and Welfare, under this Act, shall keep such records as the appropriate Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.”

Subsec. (e). Pub. L. 100-581 substituted “to each tribe” for “to tribes”.

Pub. L. 100-472, §104(b), added subsec. (e).

Subsec. (f). Pub. L. 100-472, §208, redesignated section 450f of this title as subsec. (f) of this section and inserted “through regulations promulgated under sections 552 and 553 of title 5”.

**§ 450d. Criminal activities involving grants, contracts, etc.; penalties**

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this subchapter or the Act of April 16, 1934 (48 Stat. 596), as amended [25 U.S.C. 452 et seq.], embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds assets, or property which are the subject of such a grant, subcontract, contract, or subcontract, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Pub. L. 93-638, §6, Jan. 4, 1975, 88 Stat. 2205.)

REFERENCES IN TEXT

Act of April 16, 1934, referred to in text, is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

**§ 450e. Wage and labor standards**

**(a) Similar construction in locality**

All laborers and mechanics employed by contractors or subcontractors (excluding tribes and tribal organizations) in the construction, alteration, or repair, including painting or decorating of buildings or other facilities in connection with contracts or grants entered into pursuant to this subchapter, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40. With respect to construction, alteration, or repair work to which the Act of March 3, 1921<sup>1</sup> is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14, of 1950, and section 3145 of title 40.

**(b) Preference requirements for wages and grants**

Any contract, subcontract, grant, or subgrant pursuant to this subchapter, the Act of April 16,

<sup>1</sup> See References in Text note below.