

they will serve only as delegated program administrators, charged with the responsibility for reviewing and approving grant applications on behalf of the Secretary. Selected intermediaries shall—

(1) establish appropriate procedures for grant administration and fiscal management, pursuant to standards established by the Secretary; and

(2) receive a reasonable administrative fee, except that they may not provide other services to grant recipients with respect to projects that are the subject of the grant application and may not receive payment, directly or indirectly, from the proceeds of grants they have approved.

**(d) “Eligible intermediary” defined**

For purposes of this section, the term “eligible intermediary” means a State, regional, or national organization (including a quasi-public organization) or a State or local housing agency that—

(1) has as a central purpose the preservation of existing affordable housing and the prevention of displacement;

(2) does not receive direct Federal appropriations for operating support;

(3) in the case of a national nonprofit organization, has been in existence for at least 5 years prior to the date of application and has been classified by the Internal Revenue Service as an exempt organization under section 501(c)(3) of title 26;

(4) in the case of a regional or State nonprofit organization, has been in existence for at least 3 years prior to the date of application and has been classified by the Internal Revenue Service as an exempt organization under section 501(c)(3) of title 26 or is otherwise a tax-exempt entity;

(5) has a record of service to low-income individuals or community-based nonprofit housing developers in multiple communities and, with respect to intermediaries administering assistance under section 4143 of this title, has experience with the allocation or administration of grant or loan funds; and

(6) meets standards of fiscal responsibility established by the Secretary.

(Pub. L. 100-242, title II, §255, as added Pub. L. 102-550, title III, §312, Oct. 28, 1992, 106 Stat. 3767.)

REFERENCES IN TEXT

This title, referred to in subsec. (b)(2), means title II of Pub. L. 100-242, as amended by Pub. L. 101-625, title VI, §601(a), Nov. 28, 1990, 104 Stat. 4249, known as the Low-Income Housing Preservation and Resident Homeownership Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The Emergency Low Income Housing Preservation Act of 1987, referred to in subsec. (b)(2), is title II of Pub. L. 100-242, Feb. 5, 1988, 101 Stat. 1877, as amended, which was classified principally as a note under section 1715<sup>1</sup> of this title. Title II of Pub. L. 100-242 was amended generally by Pub. L. 101-625, title VI, §601(a), Nov. 28, 1990, 104 Stat. 4249, and is now known as the Low-Income Housing Preservation and Resident Homeownership Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the

Code, see Short Title note set out under section 4101 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4143 of this title.

**§ 4146. Definitions**

For purposes of this subchapter—

(1) the term “community-based nonprofit housing developer” means a nonprofit community development corporation that—

(A) has been classified by the Internal Revenue Service as an exempt organization under section 501(c)(3) of title 26;

(B) has been in existence for at least 2 years prior to the date of the grant application;

(C) has a record of service to low- and moderate-income people in the community in which the project is located;

(D) is organized at the neighborhood, city, county or multi-county level; and

(E) in the case of a corporation acquiring eligible housing under subchapter I of this chapter, agrees to form a purchaser entity that conforms to the definition of a community-based nonprofit organization under such subchapter and agrees to use its best efforts to secure majority tenant consent to the acquisition of the project for which grant assistance is requested; and

(2) the terms “eligible low-income housing”, “nonprofit organization”, “owner”, and “resident council” have the meanings given such terms in section 4119 of this title.

(Pub. L. 100-242, title II, §256, as added Pub. L. 102-550, title III, §312, Oct. 28, 1992, 106 Stat. 3769.)

**§ 4147. Funding**

The Secretary shall use not more than \$25,000,000 of the amounts made available under section 4124(a) of this title for fiscal year 1993, and not more than \$25,000,000 of the amounts made available under section 4124(a) of this title for fiscal year 1994, to carry out this subchapter. Of any amounts made available to carry out this subchapter in any appropriation Act, 90 percent shall be set aside for use in accordance with section 4143 of this title and 10 percent shall be set aside for use in accordance with subsection<sup>1</sup> 4144 of this title.

(Pub. L. 100-242, title II, §257, as added Pub. L. 102-550, title III, §312, Oct. 28, 1992, 106 Stat. 3769.)

**CHAPTER 43—ACTIONS AGAINST PERSONS  
COMMITTING BANK FRAUD CRIMES**

**SUBCHAPTER I—DECLARATIONS PROVIDING NEW  
CLAIMS TO UNITED STATES**

Sec. 4201.	Filing of confidential declarations by private persons. (a) In general. (b) Place of filing.
4202.	Contents of declarations.
4203.	Confidentiality of declarations.

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

- Sec.
- (a) Period of confidentiality.  
 (b) Maintenance of confidentiality to prevent prejudice.  
 (c) Loss of rights.
4204. Ineligibility to file valid declarations.  
 (a) In general.  
 (b) "Original source" defined.  
 (c) Notice of invalidity.
4205. Rights of declarants; participation in actions, awards.  
 (a) In general.  
 (b) Civil action.  
 (c) Criminal conviction.  
 (d) Share of funds and assets.  
 (e) Prohibition of double awards.  
 (f) Appropriate Federal banking agency exception.
4206. Rights of declarants; notifications; Government accountability.  
 (a) In general.  
 (b) Notice of decision not to pursue.  
 (c) Judgment, order, or settlement.  
 (d) Notice of pendency of investigation or proceeding.  
 (e) Time for notices.  
 (f) Confidentiality of notices.
4207. Unreviewed declarations; petition to pursue action as private contractor.  
 (a) Notification.  
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4208. Nonreviewability of action by Attorney General.
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4210. Sources of payments to declarants.
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- SUBCHAPTER II—DECLARATIONS PROVIDING UNITED STATES WITH NEW INFORMATION CONCERNING RECOVERY OF ASSETS
4221. Filing of confidential declarations by private persons identifying specific assets.  
 (a) In general.  
 (b) Place of filing.
4222. Contents of declarations.
4223. Confidentiality of declarations.  
 (a) Period of confidentiality.  
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4224. Ineligibility to file valid declarations.  
 (a) In general.  
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4225. Rights of declarants; participation in actions, awards.  
 (a) In general.  
 (b) Civil action.  
 (c) Share of assets.  
 (d) Prohibition of double awards.  
 (e) Appropriate Federal banking agency exception.
4226. Rights of declarants; notifications; Government accountability.  
 (a) In general.  
 (b) Notice of decision not to pursue.  
 (c) Judgment, order, or settlement.  
 (d) Notice of pendency of investigation or proceeding.  
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4227. Unreviewed declarations; petition to pursue action as private contractor.  
 (a) Notification.  
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- (c) Grant of contract.
4228. Nonreviewability of action by Attorney General.
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- SUBCHAPTER III—USE OF PRIVATE LEGAL RESOURCES
4241. Authority to enter into contracts for private counsel.  
 (a) In general.  
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4242. Contract decisions nonreviewable.
4243. Representation.
4244. Contract provisions.
4245. Counterclaims.
4246. Awards of costs and fees to prevailing plaintiff.
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SUBCHAPTER I—DECLARATIONS PROVIDING NEW CLAIMS TO UNITED STATES

**§ 4201. Filing of confidential declarations by private persons**

**(a) In general**

Any person may file a declaration of a violation giving rise to an action for civil penalties under section 1833a of this title affecting a depository institution insured by the Federal Deposit Insurance Corporation or any other agency or entity of the United States.

**(b) Place of filing**

A declaration under subsection (a) of this section shall be filed with the Attorney General of the United States or with an agent designated by the Attorney General for receiving declarations under this section.

(Pub. L. 101-647, title XXV, §2561, Nov. 29, 1990, 104 Stat. 4894.)

SHORT TITLE

Section 2560 of Pub. L. 101-647 provided that: "This subtitle [subtitle H (§§2560-2594) of title XXV of Pub. L. 101-647, enacting this chapter and section 3059A of Title 18, Crimes and Criminal Procedure, and amending section 1831k of this title] may be cited as the 'Financial Institutions Anti-Fraud Enforcement Act of 1990'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4202, 4203, 4204, 4205, 4206, 4221, 4224, 4241 of this title.

**§ 4202. Contents of declarations**

A declaration filed pursuant to section 4201 of this title shall—

(1) set forth the name and address of the declarant and the basis for the declarant's knowledge of the facts alleged;

(2) allege under oath or affirmation specific facts, relating to a particular transaction or transactions, which constitute a prima facie case of a violation giving rise to an action for civil penalties under section 1833a of this title affecting a depository institution insured by the Federal Deposit Insurance Corporation or any other agency or entity of the United States;

(3) contain at least 1 new factual element necessary to establish a prima facie case that