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1. **NAHASDA Final Rule Published**, Monday, December 3, 2012. The NAHASDA final rule will be effective on January 2, 2013. View online at <http://www.gpo.gov/fdsys/pkg/FR-2012-12-03/html/2012-29133.htm>. PDF version attached.
2. **BIA Leasing Final Rule published** on November 27, 2012. Link to press release, includes Fact Sheets, Q & A, comparison and the Final Rule: <http://www.doi.gov/news/pressreleases/salazar-finalizes-reforms-to-streamline-leasing-spur-economic-development-on-56-million-acres-of-american-indian-trust-land.cfm>
3. **HUD recently launched, Innovation of the Day (IOD)**, a new online platform that will collect and share innovative practices in affordable housing, community development, and urban planning from around the world. Its purpose is to seek new and bold ideas to stimulate uncommon solutions to our everyday problems. These ideas can be leveraged not only within HUD, but among other agencies, communities, philanthropic organizations, and non-profit agencies. The innovators with the most promising ideas from each region will be invited to Washington, D.C. in early 2013 for our first ever Innovation Summit. You can learn more and submit ideas here: www.HUD.gov/IOD
4. The U.S. Department of the Treasury's Community Development Financial Institutions Fund (CDFI Fund), is soliciting comments for a proposed report to assess the state of access to capital and credit in Native Communities. <http://content.govdelivery.com/bulletins/gd/USTREASCDFI-5f210c?regfrom=share>
5. **UPCOMING TRAINING/CONFERENCES:** New items posted on our [Calendar of Events](#)

Grant Research and Proposal Writing in Indian Country, December 3-5, Lake Buena Vista, FL

Native Learning Center sponsored grant writing course.
Register at: <http://nativelearningcenter.com/>

Building Sustainable Community Youth Organizations in Indian Country, December 3-4, Oklahoma City, OK

HUD ONAP sponsored free training on the feasibility of starting, promoting, and sustaining youth development programs in Indian Country. See attached flyer. <http://registration.firstpic.org>

HUD Green Academy Training, December 4-7, San Francisco, CA

Multi course training including, Intro to Green Building, Executive Decision Making, Green Building Operations, Financing Green Building, and Energy Performance Contracting. Flyer attached. Registration at www.sustainable-performance.org/HUDGreenAcad. Additional sessions:

- December 10-14, Salt Lake City, UT and Newark, NJ
- January 14-18, Hartford, CT, Columbus, OH, and Houston, TX
- January 28- February 1, Los Angeles, CA and Albuquerque, NM
- February 4-8, Boise, ID and New York, NY
- February 11-15, Bozeman, MT

IHP/APR Training, December 4-6, Seattle, WA

HUD ONAP sponsored free training on the Indian Housing Plan (IHP)/Annual Performance Report (APR). Step-by-step instruction on how to successfully complete the newly combined IHP/APR form. In addition to a walk-through of the new automated form, participants will also receive guidance on the development, planning, and reporting processes and requirements. See attached flyer. <http://registration.firstpic.org>

Environmental Review, December 4-7, Albuquerque, NM

ONAP sponsored training will offer IHBG Grantees the skills to successfully carry out an environmental review process. See attached flyer. <http://registration.firstpic.org/onapEnvReview/index.php>

Logic Model Training, December 5, Webinar

The logic model is a one-page diagram that lays out the resources, activities, outputs, and outcomes of a proposed program. It is a virtual road map for planning, budgeting, development, evaluation and promotion. Many funders require the logic model as part of their grant application. This webinar is designed for the novice grant seeker.

<https://www.grantstation.com/Programs/WebinarOrder/Webinars.aspx>

2012 National Rural Housing Conference, December 5-7, Washington DC

Housing Assistance Council (HAC) National Rural Housing Conference is a gathering of stakeholders interested in affordable housing in rural America. Pre-

conference Native American Stakeholder meeting on December 5th with HUD-Office of Native American Programs, Bureau of Indian Affairs, USDA, U.S. Department of Treasury's Community Development Financial Institution (CDFI) Fund, National American Indian Housing Council, First Nations Oweesta Corporation, NeighborWorks America, and Enterprise Community Partners.
<http://www.regonline.com/builder/site/Default.aspx?EventID=1128611>

2012 White House Tribal Nations Conference, December 5, Washington DC

President Obama will host the White House Tribal Nations Conference at the Department of the Interior. The conference will provide leaders from the 566 federally recognized tribes the opportunity to interact directly with the President and representatives from the highest levels of his Administration. Each federally recognized tribe will be invited to send one representative to the conference. This fourth White House Tribal Nations Conference for the Obama Administration continues to build upon the President's commitment to strengthen the government to government relationship with Indian Country.

Greener Homes Regional Training and Sustainable Construction, December 11-13, Oklahoma City, OK

ONAP sponsored free training session on green buildings performance- data monitoring and collecting, and cost benefit analysis. Session will also introduce the grid tied net zero energy home, rainwater gardens and collection, alternative renewable energy technologies, and key energy cost reduction measures for upgrading inefficient buildings. Flyer attached. <http://registration.firstpic.org>

NAIHC Legal Symposium, December 11-13, Las Vegas, NV

National American Indian Housing Council (NAIHC) hosts its annual Legal Symposium. This year NAIHC is providing two days of concurrent breakout training sessions on the legal and regulatory areas of tribal housing.
<http://www.naihc.net/index.php/events/legal-symposium/>

IHP/APR Training, January 8-11, Phoenix, AZ

HUD ONAP sponsored free training on the Indian Housing Plan (IHP)/Annual Performance Report (APR). Step-by-step instruction on how to successfully complete the newly combined IHP/APR form. In addition to a walk-through of the new automated form, participants will also receive guidance on the development, planning, and reporting processes and requirements. See attached flyer. <http://registration.firstpic.org>

Environmental Review, January 8-11, 2013 Anchorage, AK

ONAP sponsored training will offer IHBG Grantees the skills to successfully carry out an environmental review process. See attached flyer. <http://registration.firstpic.org/onapEnvReview/index.php>

IHP/APR Training, January 15-17, Oklahoma City, OK

HUD ONAP sponsored free training on the Indian Housing Plan (IHP)/Annual Performance Report (APR). Step-by-step instruction on how to successfully complete the newly combined IHP/APR form. In addition to a walk-through of the new automated form, participants will also receive guidance on the development, planning, and reporting processes and requirements. See attached flyer. <http://registration.firstpic.org>

Tribal Development Series Boot Camp, January 16-17, Swinomish, WA

Master planning for sustainable development in Indian Country and the knowledge of what it takes to undertake raw property development. See attached flyer for registration, or <http://www.theleadershipseries.info/SDRG/index.html>

Effective Models of Affordable Housing with Senior Services, January 17, SeaTac, WA

LeadingAge Washington invites you to participate in a discussion on the innovative provision of services to housing residents with leading, practicing experts in the field and across the country.

http://leadingagewa.org/wp-content/uploads/Housing-Symposium-Registration-11_191.pdf

NAHASDA Essentials, February 5-7, Albuquerque, NM

HUD ONAP sponsored free training on the Native American Housing and Self Determination Act.

See attached flyer. <http://registration.firstpic.org/onapEssentials/index.php>

Greener Homes Regional Training and Sustainable Construction, February 12-14, Albuquerque, NM

ONAP sponsored free training session on green buildings performance- data monitoring and collecting, and cost benefit analysis. Session will also introduce the grid tied net zero energy home, rainwater gardens and collection, alternative renewable energy technologies, and key energy cost reduction measures for upgrading inefficient buildings. Flyer attached.

<http://registration.firstpic.org>

Orientation to Sustainable Environmental Assessment, Feb 25 – March 1, Los Angeles, CA

Environmental responsibilities under NEPA and other authorities have been delegated by 24 CFR 58 to local governments for many HUD programs, such as CDBG, HOME, subsidized and public housing. The required assessment process offers an opportunity to promote sustainability in project design & implementation. Scholarships available.

<http://www.ph.ucla.edu/erc/osea-2013.htm>, or 310-206-2304

Environmental Review, February 26- March 1, Oklahoma City, OK

ONAP sponsored training will offer IHBG Grantees the skills to successfully carry out an environmental review process. See attached flyer. <http://registration.firstpic.org/onapEnvReview/index.php>

NAHASDA Essentials, March 5-7, Denver, CO

HUD ONAP sponsored free training on the Native American Housing and Self Determination Act.

See attached flyer. <http://registration.firstpic.org/onapEssentials/index.php>

6. FUNDING AVAILABILITY:

Community Impact Grants Program (The Home Depot Foundation)

Deadline: December 12, 2012

Grants of up to \$5,000 in the form of Home Depot gift cards are available for projects by community volunteers to improve the physical health of their communities, with an emphasis on housing and services for veterans.

<http://homedepotfoundation.org/page/applying-for-a-grant>

Our Town (National Endowment for the Arts)

Deadline: January 14, 2013

Grants for creative and innovative projects in which communities, along with their arts and design organizations, seek to improve quality of life; foster stronger community identity; encourage greater creative activity; and revitalize economic development. Guidelines at:

<http://www.arts.gov/grants/apply/OurTown/index.html>. Informational webinars archived at <http://www.arts.gov/grants/apply/OurTown/November-webinars.html>

LEAD Summer Business Institute for High School Juniors (NAFOA)

Deadline: January 15, 2013

Summer program open to Native American, Alaska Native, and Native Hawaiian high school students in their junior year (during the 2012-2013 academic year). Students spend 3-4 weeks on a college campus (Dartmouth, Duke, Stanford, and U of Pennsylvania) learning about careers in business and finance. Tuition and Travel Scholarships available

Application by [clicking here](#) or visiting www.nafoa.org. Contact: Tashina Etter at Tashina@nafoa.org

GMSP 2013 Scholarships

Deadline: January 16, 2013

The Gates Millennium Scholars Program (GMSP), funded by a grant from the Bill and Melinda Gates Foundation, was established in 1999 to provide outstanding

African-American, American Indian/Alaska Native, Asian Pacific Islander American, and Hispanic American students with an opportunity to complete an undergraduate college education in any discipline area of interest. To learn more, visit www.oup.org/funding/other_funding.asp.

Intertribal Timber Council Scholarships

Deadline: January 18, 2013

Scholarships for college students and graduating high school seniors who want to pursue education in Natural Resources.

See attached flyer for details.

WaterSMART Water and Energy Efficiency Grant (Bureau of Reclamation)

Deadline: January 17, 2013

Projects that are eligible must conserve water or result in other improvements that address water supply sustainability in the West. This funding opportunity is also available for water management improvements that complement other ongoing efforts to address water supply sustainability.

<http://www.grants.gov/search/search.do;jsessionid=HphDQqNRyhJGyDJtfnVrNns6y2qry7Qk1yWTwChTq0gcfRT2g7hd!-1502138492?oppld=205114&mode=VIEW>

Supportive Services for Veterans Families (Dept. VA)

Deadline: February 1, 2013

The application period for the Department of Veterans Affairs' (SSVF) Program is still open, and we encourage applicants to take advantage of [resources available on VA's website](#) during preparation of the application. Grantees will be expected to leverage supportive services grant funds to enhance the housing stability of very low-income Veteran families who are occupying permanent housing. There is also a new focus on expanding the rapid re-housing components of SSVF programs. In all program components, grantees are required to establish relationships with local community resources.

[Learn more and read the full NOFA](#)

Big Read Program (National Endowment for the Arts)

Deadline: February, 5, 2013

Seventy-five grants of up to \$20,000 will be awarded to nonprofit organizations for community-wide reading programs that encourage reading and participation by diverse audiences.

http://www.neabigread.org/application_process.php

AmeriCorps State and National Grants FY 2013

Deadline: February 6, 2013

Grant making for fiscal year 2013 in six focus areas: (1) Disaster Services; (2) Economic Opportunity; (3) Education; (4) Environmental Stewardship; (5) Healthy Futures; and (6) Veterans and Military Families.

http://www.americorps.gov/pdf/2013_state_national_competitive_notice.pdf,
and
http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=98#FAQ

Planning Program and Local Technical Assistance Program (Commerce EDA)

Deadline: On-going

Up to \$100K to assist eligible recipients in creating regional economic development plans designed to stimulate and guide the economic development efforts of a community or region.

<http://www07.grants.gov/search/search.do?&mode=VIEW&oppld=189193>

Tribal Energy Program Technical Assistance (Dept. Energy)

Deadline: On-going

Free technical assistance to assist federally recognized Indian tribes, bands, nations, and other organized groups and communities—including Alaska Native villages or regional and village corporations—with renewable energy and energy efficiency projects. Typically limited to 40 hours and may include, renewable energy technology information, renewable resource information, energy efficiency techniques, project support, system performance modeling, policy information, design review, special studies, strategic energy planning and training. Download the attached technical assistance request form, fill it out and submit it to tribal@go.doe.gov.

7. WEB RESOURCES:

- **Incorporating Sustainable Land and Water Strategies Into a Master Plan.** A new case study from HUD's Sustainable Construction in Indian Country (SCinIC) initiative describes some of the land and water management innovations that the Pokagon Band of Potawatomi Indians located in Michigan and Indiana has incorporated into new communities. These innovations include bioswales, permeable path and roadway materials, use of rain gardens and plants native to the area, and clustered housing plans. Use of these best management practices has improved water quality, decreased lawn maintenance, eliminated the need for chemical and fertilizer, and maintained the area's rural feel. Click to download a copy of the case study, [*Incorporating Sustainable Land and Water Strategies Into a Master Plan*](#).
- **Understanding HUD Environmental Reviews Webinar Series Resources Now Available.** HUD's *Understanding Environmental Reviews* webinar series broadcast this summer and fall. Slides from each presentation as well as the webinar recordings are now available online at <https://www.onecpd.info/learning-center/environmental-review->

[training/](#). Transcripts and Question and Answer documents may become available in the future. To learn more about HUD environmental reviews please visit http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment. In the near future, information and updates on environmental reviews such as resources, training, and notices will be available on the OneCPD Resource Exchange at <https://www.onecpd.info/>.

8. **ONAP Program Guidance.** [View online](#)

9. **PIH Notices.** [View online](#)

(gg) Fail to ensure that a WCPFC observer is on board at least one of the vessels involved in the transshipment for the duration of the transshipment in contravention of § 300.216(b)(2)(i), except as specified at § 300.216(b)(4).

(hh) Receive transshipments from more than one fishing vessel at a time in contravention of § 300.216(b)(2)(ii), except as specified at § 300.216(b)(4).

(ii) Transship to or from another vessel, in contravention of § 300.216(b)(3)(i), except as specified at § 300.216(b)(4).

(jj) Provide bunkering, receive bunkering, or exchange supplies or provisions with another vessel, in contravention of § 300.216(b)(3)(ii).

(kk) Engage in net sharing except as specified under § 300.216(c).

(ll) Fail to submit, or ensure submission of, a transshipment report as required in § 300.218(b), except as specified under § 300.218(c).

(mm) Fail to submit, or ensure submission of, a transshipment notice as required in § 300.218(d).

(nn) Transship more than 24 nautical miles from the location indicated in the transshipment notice, in contravention of § 300.218(d)(3).

(oo) Fail to submit, or ensure submission of, a discard report as required in § 300.218(e).

(pp) Fail to submit, or ensure submission of, a net sharing report as required in § 300.218(f).

(qq) Fail to submit, or ensure submission of, an entry or exit notice for the Eastern High Seas Special Management Area as required in § 300.225.

■ 7. In § 300.223, paragraph (d)(3) introductory text is revised to read as follows:

§ 300.223. Purse seine fishing restrictions.

* * * * *

(d) * * *

(3) An owner and operator of a fishing vessel of the United States equipped with purse seine gear must ensure the retention on board at all times while at sea within the Convention Area any bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), or skipjack tuna (*Katsuwonus pelamis*), except in the following circumstances and with the following conditions:

* * * * *

■ 8. Section 300.225 is added to subpart O to read as follows:

§ 300.225 Eastern High Seas Special Management Area.

(a) *Entry notices.* The owner and operator of a fishing vessel of the United States used for commercial fishing for HMS must ensure the submission of a

notice to the Commission at the address specified by the Pacific Islands Regional Administrator by fax or email at least six hours prior to entering the Eastern High Seas Special Management Area. The owner or operator must ensure the submission of a copy of the notice to NMFS at the address specified by the Pacific Islands Regional Administrator by fax or email at least six hours prior to entering the Eastern High Seas Special Management Area. The notice must be submitted in the format specified by the Pacific Island Regional Administrator and must include the following information:

(1) The vessel identification markings located on the hull or superstructure of the vessel;

(2) Date and time (in UTC) of anticipated point of entry;

(3) Latitude and longitude, to nearest tenth of a degree, of anticipated point of entry;

(4) Amount of fish product on board at the time of the notice, in kilograms, in total and for each of the following species or species groups: yellowfin tuna, bigeye tuna, albacore, skipjack tuna, swordfish, shark, other; and

(5) An indication of whether the vessel intends to engage in any transshipments prior to exiting the Eastern High Seas Special Management Area.

(b) *Exit notices.* The owner and operator of a fishing vessel of the United States used for commercial fishing for HMS must ensure the submission of a notice to the Commission at the address specified by the Pacific Islands Regional Administrator by fax or email no later than six hours prior to exiting the Eastern High Seas Special Management Area. The owner or operator must ensure the submission of a copy of the notice to NMFS at the address specified by the Pacific Islands Regional Administrator by fax or email no later than six hours prior to exiting the Eastern High Seas Special Management Area. The notices must be submitted in the format specified by the Pacific Island Regional Administrator and must include the following information:

(1) The vessel identification markings located on the hull or superstructure of the vessel.

(2) Date and time (in UTC) of anticipated point of exit.

(3) Latitude and longitude, to nearest tenth of a degree, of anticipated point of exit.

(4) Amount of fish product on board at the time of the notice, in kilograms, in total and for each of the following species or species groups: yellowfin tuna, bigeye tuna, albacore, skipjack tuna, swordfish, shark, other; and

(5) An indication of whether the vessel has engaged in or will engage in any transshipments prior to exiting the Eastern High Seas Special Management Area.

[FR Doc. 2012–29028 Filed 11–29–12; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 1000

[Docket No. FR–5275–F–13]

RIN 2577–AC80

Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Regulations

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations governing the Indian Housing Block Grant (IHBG) program and the Title VI Loan Guarantee program. HUD negotiated this rule with active tribal participation under the procedures of the Negotiated Rulemaking Act of 1990, pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008. These regulatory changes implement statutory amendments and reflect the consensus decisions reached by HUD and the tribal representatives.

DATES: *Effective Date:* January 2, 2013.

FOR FURTHER INFORMATION CONTACT: Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4126, Washington, DC 20410; telephone number 202–401–7914 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Purpose of the Regulatory Action

This final rule implements a number of amendments to the statutory requirements governing HUD's IHBG and Title VI Loan Guarantee programs under the Native American Housing Assistance Act of 1996 (25 U.S.C. 4101 *et seq.*). Specifically, it focuses on implementing provisions of the Native American Housing Assistance and Self-

Determination Reauthorization Act of 2008 (Pub. L. 110–411, approved October 14, 2008) (NAHASDA Reauthorization Act or 2008 Reauthorization Act). The NAHASDA Reauthorization Act reauthorizes the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) (NAHASDA) through September 30, 2013, and makes a number of amendments to the statutory requirements governing HUD's IHBG and Title VI Loan Guarantee programs. Among other changes, the NAHASDA Reauthorization Act amends section 106 of NAHASDA to provide that HUD shall initiate a negotiated rulemaking in order to implement provisions of the 2008 Reauthorization Act that require rulemaking. The rule also implements statutory changes to NAHASDA made by several laws enacted between 1998 and 2005.¹ After establishing the NAHASDA Negotiated Rulemaking Committee (Committee), and with the full and active participation of the Tribal representation on the Committee, HUD and the Committee published a proposed rule on November 18, 2011 (76 FR 71474), which reflected the consensus decision of the Committee. This final rule takes into consideration the public comments on the proposed rule and, as discussed in this preamble, makes some changes to the November 18, 2011, proposed rule. This final rule reflects the consensus decisions reached by HUD and the Committee.

B. Summary of Major Provisions of the Regulatory Action

This final rule would amend HUD's regulations by implementing statutory amendments to NAHASDA. The rule amends the regulations under subpart A of 24 CFR part 1000 regarding the guiding principles of NAHASDA, definitions, labor standards, environmental review procedures, procurement, tribal and Indian preference, and program income. The rule also amends subpart B of 24 CFR part 1000, which addresses eligible families, useful life of properties, and criminal conviction records, and

subpart C of 24 CFR part 1000, which addresses the tribal program year, Indian Housing Plan (IHP) requirements, administrative and planning expenses, reserve accounts, local cooperation agreements, and exemption from taxation. Changes to subpart D of part 1000 address certain formula information that must be included in the IHP and Annual Performance Report (APR), as well as the date by which HUD must provide data used for the formula and projected allocation to a tribe or Tribally Designated Housing Entity (TDHE). The final rule amends subpart E of 24 CFR part 1000, which addresses financing guarantees, and subpart F of 24 CFR part 1000, which addresses HUD monitoring, APRs, APR review, HUD performance measures, recipient comments on HUD reports, remedial actions in the event of substantial noncompliance, audits, submission of audit reports, and records retention.

C. Costs and Benefits

This rule implements the NAHASDA Reauthorization Act, but does not directly address those provisions that affect the NAHASDA allocation formula, subpart D of 24 CFR part 1000. In implementing these provisions of the NAHASDA Reauthorization Act, this rule does not impose any significant additional costs on Indian tribes, tribal and regional housing authorities, or TDHEs. It provides tribes greater flexibility in administering of their IHBG and Title VI Loan programs and reduces administrative costs by, for example, exempting procurements of goods and services with a value of less than \$5000 from competitive requirements and permitting recipients to use Federal supply sources made available by the General Services Administration. Accordingly, HUD has determined that this rule is not an economically significant regulatory action.

II. Background

NAHASDA reorganized and simplified HUD's system of housing assistance to Native Americans by eliminating several separate HUD programs and replacing them with a single block grant program, made directly to tribes, known as the IHBG. Title VI of NAHASDA also authorizes federal guarantees for the financing of certain tribal activities (under the Title VI Loan Guarantee Program). HUD's regulations governing the IHBG and Title VI Loan Guarantee programs are located in 24 CFR part 1000. In accordance with section 106 of NAHASDA, HUD developed the

regulations with active tribal participation under the procedures of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570).

Under the IHBG program, HUD makes assistance available to eligible Indian tribes for affordable housing activities. The amount of assistance made available to each Indian tribe is determined using a formula that was developed as part of the NAHASDA negotiated rulemaking process (IHBG Formula). Based on the amount of funding appropriated annually for the IHBG program, HUD calculates the annual grant for each Indian tribe and provides this information to the Indian tribes. An IHP for the Indian tribe is then submitted to HUD. If the IHP is found to be in compliance with statutory and regulatory requirements, the grant is made.

Under the Title VI Loan Guarantee program, HUD guarantees obligations issued by tribes or TDHEs, with tribal approval, to finance eligible affordable housing activities under Section 202 of NAHASDA and housing-related community development activities consistent with the purposes of NAHASDA. No guarantee can be approved if the total outstanding obligations exceed five times the amount of the grant for the issuer, taking into consideration the amount needed to maintain and protect the viability of housing developed or operated pursuant to the U.S. Housing Act of 1937. The program requires issuers to pledge current and future IHBG appropriations to the repayment of the guaranteed obligations. The full faith and credit of the United States is pledged to the payment of all guarantees.

The NAHASDA Reauthorization Act reauthorizes NAHASDA through September 30, 2013, and makes a number of amendments to the statutory requirements governing the IHBG and Title VI Loan Guarantee programs. Among other changes, the NAHASDA Reauthorization Act amends section 106 of NAHASDA to require that HUD establish a negotiated rulemaking committee, in accordance with the procedures of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570) to implement aspects of the 2008 Reauthorization Act that require rulemaking. On January 12, 2009 (74 FR 1227), as required by section 106 of NAHASDA, HUD announced its intention to establish a Negotiated Rulemaking Committee to develop the regulatory changes to the IHBG and Title VI Loan Guarantee programs. On September 23, 2009 (74 FR 48584), after taking nominations for membership on the committee, HUD published

¹ Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999) (Pub. L. 105–276, approved October 21, 1998); Omnibus Indian Advancement Act (Pub. L. 106–568, approved December 27, 2000); Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 (Pub. L. 107–292, approved November 13, 2002); Homeownership Opportunities for Native Americans Act of 2004, (Pub. L. 108–393, approved October 30, 2004); Native American Housing Enhancement Act of 2005 (Pub. L. 109–136, approved December 22, 2005); and Energy Policy Act of 2005 (Pub. L. 109–58, approved August 8, 2005).

membership on the Committee reflecting a balanced representation of Indian tribes.

The NAHASDA Rulemaking Committee convened for one 2-day meeting and five 3-day meetings in Scottsdale, Arizona; Westminster, Colorado; Seattle, Washington; and St. Paul, Minnesota, from March to August 2010. Under the terms of the charter approved by the Committee, the negotiations were to focus on implementation of NAHASDA, as amended, except that subpart D of 24 CFR part 1000, which governs the NAHASDA allocation formula, was generally to be excluded from the negotiations. (The committee nonetheless agreed by consensus to make minor revisions to regulations in subpart D in order to address issues that primarily involved provisions under subpart C.) With the full and active participation of the Tribes, HUD and the Committee published a proposed rule on November 18, 2011 (76 FR 71474). The November 18, 2011, proposed rule reflected the consensus decisions of HUD and the Tribal representatives. The NAHASDA Rulemaking Committee convened for a 2-day meeting in Washington, DC, on May 1–2, 2012, to review and consider public comments received on the proposed rule. This final rule takes into consideration the public comments on the proposed rule, and makes some changes, based on the public comments, to the November 18, 2011, proposed rule. It also reflects the consensus decisions reached by HUD and the Committee.

III. Changes and Clarifications Made in This Final Rule

This final rule follows publication of the November 18, 2011, proposed rule and takes into consideration the public comments received on the proposed rule. In response to public comment, a discussion of which is presented in the following section of this preamble, and in further consideration of issues addressed at the proposed rule stage, HUD and the Committee are making the following changes at this final rule stage and clarifying or correcting portions of the preamble to the November 18, 2011, proposed rule:

- HUD and the Committee are revising § 1000.16, which addresses labor standards, to accurately reflect the intent of the Committee during the negotiated rulemaking sessions held in Westminster, Colorado; specifically, that construction and development contracts are not subject to the prevailing wage provisions referenced in NAHASDA section 104(b)(1) if the contracts are subject to Tribal laws that require

payment of not less than prevailing wages, as determined by the Indian tribe. HUD is also clarifying that operations and maintenance contracts and work performed by the TDHE and Tribal employees directly are excluded from Davis-Bacon and HUD wage rates where a Tribal wage provision that requires not less than prevailing wage rates is in existence. In making these changes, HUD also agrees that the preamble of the November 18, 2011, proposed rule incorrectly describes this change as one that did not reach consensus and, accordingly corrects that preamble to reflect otherwise.

- HUD and the Committee are revising § 1000.503(a) to more accurately describe the assessment factors that determine the frequency and level of monitoring recipients. Specifically, HUD and the Committee are revising paragraphs (a)(4), (a)(5) and (a)(6) of § 1000.503 to specifically reference Office of Management and Budget (OMB) Circular A–133. This revision is based on the parties' understanding during the negotiated rulemaking sessions leading to the development of the proposed rule that the delinquent audits included in HUD's risk assessment were delinquent OMB Circular A–133 audits. In addition, to reflect existing practice that considers open Inspector General audit findings as a risk assessment factor, HUD and the Committee are revising § 1000.503(a)(4) to reference open Inspector General audit findings.

- HUD and the Committee are revising § 1000.503(b) to address a perceived grammatical problem and bring greater clarity to the paragraph.

- While not changing HUD regulatory text of § 1000.532(a), HUD and the Committee are clarifying the description of this section in this final rule. Specifically, rather than covering “significant noncompliance with a major activity of a recipient's IHP,” as described in the proposed rule, § 1000.532 is clarified to provide that it applies to several categories of “substantial noncompliance” as that term is defined in § 1000.534.

IV. The Public Comments

The public comment period for the November 18, 2011, proposed rule closed on January 17, 2012, and HUD received 20 public comments, including one duplicate, on the proposed rule. Comments were submitted by federally recognized Indian tribes, tribal and regional housing authorities, TDHEs, associations comprised of tribes, a law office, a nonprofit devoted to issues of race and ethnicity, and a member of the public. On May 1 and 2, 2012, the

Committee met in Washington, DC, to review and consider responses to the public comments. This section of the preamble addresses the significant issues raised in the public comments and organizes the comments by subject category, with a brief description of the issue, followed by the Committee's response. For the convenience of readers, the discussion of the public comments is organized into three sections. The first section discusses the general comments that were received on the proposed rule. The second section discusses the public comments received on specific proposed regulatory changes contained in the proposed rule. The third section discusses the public comments received on nonconsensus issues (i.e., those issues on which the Committee could not reach agreement on proposed regulatory language).

A. General Comments

Issue: Tribal and Indian preferences, generally. One commenter stated that unless there is an explicit statutory mandate to do so, there should be no preferences given on the basis of “Indian” (racial) as opposed to “tribal” (political) status. The commenter cited *Morton v. Mancari* to support this comment. The commenter stated that the former is a racial classification and, therefore, triggers strict scrutiny and is presumptively unconstitutional. *Adarand Constructors, Inc. v. Peña* and *Personnel Administrator v. Feeney*.

Response: The commenter stated that “unless there is an explicit statutory mandate to do so, there should be no preferences given on the basis of ‘Indian’ (racial) as opposed to ‘tribal’ (political) status,” asserting that “the former is a racial classification and, therefore, triggers strict scrutiny and is presumptively unconstitutional.” The commenter references the United States Supreme Court's decision in *Morton v. Mancari*, 417 U.S. 535 (1974), in support of this comment. The Committee notes that there is a mandate to use Indian preference under NAHASDA, both in providing affordable housing and in hiring and contracting. 25 U.S.C. 4101, 4111, 4131. Further, the Committee notes that *Morton*, contrary to the commenter's assertion, expressly found that, “Indian” preference is not a racial categorization, but is rather a political one and that, therefore, the use of Indian preference does not trigger strict scrutiny review under the Constitution's equal protection clause. 417 U.S. 535, 554–555. As a result, the Committee decided not to revise any provisions providing Indian or tribal preference in this final rule.

Issue: Lack of timeliness in issuing regulations. Several commenters expressed their concern that HUD is only now promulgating regulations to implement provisions that were enacted through the NAHASDA. The commenters stated that it is imperative that HUD be timelier in proposing future regulations.

Response: HUD recognizes the concern raised by the commenters and is committed to working more timely in proposing future regulations.

B. Comments on Specific Proposed Regulatory Changes

Issue: Initiation of rulemaking; providing for periodic review (§ 1000.9(b)). Several commenters, citing section 106(b)(2)(D) of NAHASDA, as amended, stated that the proposed rule provides a mechanism for initiating rulemaking when NAHASDA is amended, but does not provide a mechanism for initiating the periodic review of the regulations as required by this section of NAHASDA.

Response: The Committee considered the comments and determined that no change is required to § 1000.9(b) as published in the proposed rule.

Issue: Initiation of rulemaking; clarifying actions that “significantly” amend NAHASDA (§ 1000.9(b)). Several commenters recommended that HUD clarify the standard used when determining whether an enactment has “significantly” amended NAHASDA. The commenters stated that without such clarification, HUD would retain too much discretion to determine when negotiated rulemaking is called for. The commenters recommended that HUD define “significantly” as “any enactment that has the effect of altering the rights, privileges, duties, or responsibilities of the Secretary, Tribes, or TDHEs, that changes any aspect of the funding allocation mechanism under the statute, or that changes any procedure.” Several other commenters agreed and opined that had HUD initiated negotiated rulemaking in 2002, many of the accounting issues facing tribes and TDHEs would not have been necessary.

Response: The Committee considered these comments and did not reach consensus on revising § 1000.9(b) as published in the propose rule. Tribal representatives stated that defining “significantly” would provide more clarity and certainty regarding when negotiated rulemaking was required rather than leaving the decision entirely within HUD’s discretion. HUD’s position was that § 1000.9(b) was intended to provide HUD the flexibility to quickly respond to minor changes or

technical changes to NAHASDA without first having to establish a negotiated rulemaking committee, a process that may take considerable time and resources. HUD asserted that defining “significantly” as recommended by the commenters or removing the word “significantly” from § 1000.9(b) would be difficult and likely result in the delayed implementation of amendments to NAHASDA to the detriment of both HUD and the Tribes. As a result, the Committee did not reach consensus to revise § 1000.9(b) in response to these comments.

Issue: Labor Standards; consensus reached to exclude contracts from section 104(b)(1) of NAHASDA (§ 1000.16(e)). Several commenters stated that the Committee reached consensus on including language that would exclude construction and development contracts from being required to contain the prevailing wage provision referenced in section 104(b)(1) of NAHASDA. These commenters cited to transcripts of the negotiated rulemaking sessions held in Westminster, Colorado (Neg. Reg. Committee Transcript Vol. II, Page 168 and Issue Number 32 on the NAIHC Legislative Committee Analysis Chart) to support their position. These commenters also stated that the Committee reached agreement specifying that “agreements for assistance, sale or lease” included construction and development contracts. These commenters stated that the final rule should reflect the Committee’s action to include regulatory language specifically excluding construction and development contracts from this provision.

These commenters also stated that HUD should clarify that contracts for operations and maintenance of NAHASDA-assisted affordable housing are not subject to the provisions of section 104(b)(1) provided that applicable tribal law requires the payment of prevailing wage rates, and that work performed directly by tribal or TDHE employees on NAHASDA-assisted housing is also excluded from that provision. Another commenter also recommended that proposed § 1000.16(e) be revised to provide a more complete description of those activities not subject to the prevailing wage requirement. The commenter recommended that proposed § 1000.16(e) be revised to add, “including such construction and development contracts and such contracts for the maintenance and operation of NAHASDA-assisted affordable housing. Work performed

directly by tribal or TDHE employees on NAHASDA-assisted housing is also not subject to the prevailing wages provisions in section 104(b)(1) if covered by one or more such laws or regulations adopted by an Indian tribe.”

Response: After reviewing this issue, the Committee agreed that consensus was reached and that construction and development contracts, if entered into pursuant to a HUD contract or agreement for assistance, sale, or lease under NAHASDA, are not required to contain the prevailing wage provision referenced in NAHASDA section 104(b)(1) if the contracts are subject to tribal laws that require payment of not less than prevailing wages. Accordingly, the Committee is revising § 1000.16 to accurately reflect this consensus position. In addition, as requested by the commenter, the Committee is also clarifying that operations and maintenance contracts and work performed by the TDHE and Tribal employees directly are excluded from Davis-Bacon and HUD wage rates under section 104(b)(1) where a Tribal wage provision that requires not less than prevailing wage rates is in existence. In making these changes, the Committee also agrees that the preamble of the November 18, 2011, proposed rule incorrectly describes this change as one that did not reach consensus and, accordingly, corrects that preamble to reflect otherwise.

Issue: Waiver of environmental review procedures; secretarial discretion to approve the waiver (§ 1000.21). Several commenters stated that the proposed regulation permits the Secretary discretion to grant a waiver from the environmental review requirements in certain circumstances, and sets out the criteria to be used by the Secretary in making his determination. The commenters recommended that the waiver be mandatory if the Secretary determines that the recipient’s waiver request meets each condition provided by § 1000.21.

Response: The Committee considered these comments and did not reach consensus to change § 1000.21, regarding waiver of environmental compliance. Tribal representatives stated that adopting the comment would provide a level of certainty regarding HUD’s treatment of waiver requests and would be more workable for the tribes. HUD stated that section 105 of NAHASDA provides that the Secretary “may” waive environmental requirements upon a showing of the stated criteria delineated by the statute and reiterated that the intent of this section was to simply codify statutory text. While tribal representatives

thought otherwise, HUD also asserted that removing Secretarial discretion to review these waiver requests would diminish HUD's ability to ensure that each criterion was met. HUD also stated that it has routinely granted such waiver requests in the past whenever a recipient has demonstrated that each criterion has been met.

Issue: Another commenter stated that HUD changed the preamble discussion of § 1000.21 following Committee consensus by referencing Notice CPD–04–08, regarding the procedures for requesting a waiver of the statutory environmental review requirements, and by adding a footnote that summarizes these procedures. According to the commenter, the inclusion of this language misleadingly implies that there has been sufficient tribal consultation to justify HUD's policies on these issues. The commenter also states that this language attempts to raise the CPD notice almost to the level of a negotiated rule by referencing it in the preamble. The commenter recommended that the wording be removed and full tribal consultation be sought before application of the referenced program notice, or some revised version of that notice.

Response: The Committee considered this comment and concluded that no action on this comment is required. Notice CPD–04–08, which has since been replaced by Notice CPD–11–010, restates the authority of the Secretary to waive environmental requirements and describes the existing procedures that HUD follows when reviewing and approving waiver requests. The Notice was referenced only to describe the process, timing, procedures, and forms used by HUD to process a request to waive environmental requirements. As a result, the Committee decided that no action on this comment is required.

Issue: Utilizing federal supply sources in procurement (§ 1000.26(11)(iv)). Several commenters stated that they welcomed this provision, which permits recipients to use federal supply sources made available by the General Service Administration (GSA). The commenters reported, however, reluctance on the part of GSA to apply the provision and recommended that the failure be remedied.

Response: The Committee notes that the comment offers an observation rather than a recommendation to change the regulatory text. As a result, the Committee agreed that no action on this comment is required. Nevertheless, the Committee agrees with the commenters that use of federal supply sources provided by GSA can be extremely cost effective for tribes, saving thousands of

dollars in procurement costs during a period of scarce federal resources. HUD commits to continuing to work with GSA to reduce the difficulties associated with using these sources.

Issue: Applicability of section 3 of the Housing and Urban Development Act of 1968 (§ 1000.42). Several commenters stated that section 101(k) of NAHASDA, as amended, designated as Tribal Preference in Employment and Contracting provides that tribal employment and contract preference laws and regulations apply notwithstanding any other provision of law. The commenters stated that while section 3 of the HUD Act of 1968 requires that low-income residents receive preference in employment and contracts, low-income household members are not always Native American or members of a tribe. The commenters recommended, therefore, that the preamble or the final rule confirm that HUD will not treat the application of tribal preference laws as a violation of section 3, even if they do not contemplate preference for non-Tribal household members.

Another commenter stated that section 3 is an infringement on tribal self-determination and that § 1000.42 of the proposed rule should be eliminated. The commenter stated that application of the section 3 requirement would require that 30 percent of the aggregate number of new hires be section 3 residents and that 10 percent of all contracts be awarded to section 3 businesses. The commenter also stated that tribal education and training programs are federally funded programs for the benefit of Native Americans, and that HUD cannot dictate that this funding be directed to assist non-Indians.

Response: The Committee considered the comment and agreed that § 1000.42 does not require change. As more fully discussed in the preamble to the November 18, 2011, proposed rule, § 1000.42 addresses section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), which requires certain HUD recipients (e.g., recipients of more than \$200,000 in HUD housing and community development assistance for a covered project) to provide economic opportunities to low- and very low-income residents. Section 1000.42(c) clarifies that recipients meet the section 3 requirements when they comply with employment and contract preference laws adopted by their tribe in accordance with section 101(k) of NAHASDA.

Issue: Tribal and Indian preferences; potential infringement on Tribal Sovereignty (§§ 1000.48, 1000.50, and

1000.52). One commenter stated that these sections, which provide that a recipient is required to apply Tribal preference in employment and contracting, if the Tribe has enacted Tribal preference laws, and that it must apply Indian preference to the extent that Tribal preference laws have not been enacted, may infringe on tribal sovereignty. According to the commenter, each tribe should be able to determine whether or not to implement Indian or tribal preferences and the extent to which it implements such preferences.

Response: The final rule has not been revised in response to this comment. As stated in the preamble to the proposed rule, these sections implement section 101(k) of NAHASDA, which provides that the employment and contract preference laws of a tribe that receives the benefit of a grant (or portion of a grant) apply to the administration of the grant (or portion of the grant), notwithstanding any other provision of law. More specifically, these sections clarify that a recipient is required to apply tribal preference in employment and contracting if a tribe has enacted tribal preference laws, and that only to the extent that such tribal preference laws have not been enacted, a recipient must instead apply Indian preference, as required under section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). In addition, §§ 1000.48(c) and 1000.52(d) clarify that the exemption in NAHASDA section 203(g) for procurements of less than \$5,000 from competitive rules and procedures serves to exempt such procurements from Indian preference requirements under section 7(b) of the Indian Self-Determination and Education Assistance Act.

Issue: Program Income; Use for Housing or housing related activities (§§ 1000.10(b), 1000.26, and 1000.64). Several commenters stated that §§ 1000.10(b), 1000.26, and 1000.64 implement changes enacted by the NAHASDA Reauthorization Act of 2002 that provide that income derived from NAHASDA funded activities are not restricted so long as they are used for housing or housing related activities. According to the commenters, this change should have been self-implementing and, as a result, HUD should authorize tribes and TDHEs to recoup any program income that they were forced to expend since 2002 on affordable housing activities, the statutory standard prior to the 2002 change.

Response: The Committee considered these comments and agreed that they raise a valid concern. Notwithstanding,

the comments raise issues outside the scope of this rulemaking and can more properly be addressed in a separate rulemaking. As a result, the Committee considered the comments and decided not to revise §§ 1000.10(b), 1000.26, or 1000.64.

Issue: The rule fails to assist recipients to determine “useful life” (§ 1000.142). Several commenters stated that § 1000.142 fails to inform recipients regarding how to determine the useful life of a housing unit. As a result, the useful life of a housing unit will be determined on a case-by-case determination by HUD’s approval of the recipient’s Indian Housing Plan. The commenters stated that HUD should provide a clear and realistic way to determine a unit’s useful life rather than relying on a case-by-case determination. Another commenter agreed that § 1000.142 is not clear. The commenter opined that HUD will likely be required to publish guidance regarding the provision and cautioned that unless the guidance is subject to HUD’s tribal consultation policy, such guidance could appear to infringe on tribal self-determination.

Response: The Committee considered these comments and concluded not to change § 1000.142. This provision was a consensus provision agreed to by HUD and the Committee. Moreover, § 1000.142 reflects current practice and remains useful in clarifying that recipients implement the useful life requirement by placing binding commitments on the assisted property that are satisfactory to HUD.

Issue: The requirement that binding commitments are applicable to third parties that are not family members does not make sense (§ 1000.146). Several commenters stated that § 1000.146 does not make practical sense. The commenters stated that the binding commitment is between the recipient and the homebuyer and does not pass to family or household members. As a result, the commenters stated that the family or household member cannot pass the restriction to third party buyers. The commenters recommend that HUD revise this provision by deleting the last sentence of the proposed section.

Response: As discussed in the preamble to the proposed rule, § 1000.146 incorporates section 205(c) of NAHASDA. More specifically, the sentence that the commenters recommend be deleted reflects the intent of the Committee that any subsequent transfer by the family member or household member to a third party that is not a family member or household member be subject to any

remaining useful life under a binding commitment. Accordingly, HUD and the Committee determined that a change to the rule was not necessary.

Issue: Difficulty receiving criminal conviction information (§ 1000.150). Several commenters stated that most tribal housing programs and TDHEs remain unable to obtain criminal conviction information on applicants or tenants from law enforcement agencies, including the Bureau of Indian Affairs Police and local non-Indian agencies. The commenters recommended that the authorization to obtain this information be strengthened by regulation or by statutory amendment.

Response: The November 18, 2011, rule proposed to amend only the heading of § 1000.150, to conform it to section 208(a) of NAHASDA, which permits the use of criminal conviction records to screen applicants for employment. Consequently, the Committee agrees that no change to § 1000.150 is required. Nevertheless, the Committee agrees that section 208(a) of NAHASDA provides that the National Crime Information Center, police departments, and other law enforcement agencies are required to provide this information upon request. The Committee also agrees that the preamble to this final rule state that, while § 1000.150 does not explicitly list the “other law enforcement agencies” from which tribes and TDHEs should be able to obtain the criminal conviction records of applicants for employment and adult applicants for housing, the intent of the Committee is that such information be made available from the Bureau of Indian Affairs Police and local non-Indian agencies.

Issue: Response time not sanctioned (§§ 1000.227 and 1000.246). Several commenters stated that, unlike § 1000.114, these provisions covering the granting of waivers relating to local cooperation agreement and taxation exemption requirements, as well as waivers relating to a recipient’s IHP submission deadline, do not provide consequences for HUD’s failure to act within the prescribed timeframes. The commenters recommended that these sections be revised to provide that HUD’s failure to issue a decision within the prescribed timeframe shall result in the waiver request being approved.

Response: The Committee considered these comments and did not reach consensus to change either § 1000.227 or § 1000.246. The deadlines for HUD action reflected in §§ 1000.227 and 1000.246 were the subject of much discussion during the negotiated rulemaking sessions leading to the proposed rule. Tribal representatives

opined that establishing consequences for HUD’s failure to meet its deadline would expedite the review process and provide certainty for the tribes. HUD asserted that a deadline would eliminate the flexibility it needs to fully review these requests. HUD also asserted the fact that it has delegated decisionmaking authority to the field should expedite HUD decisionmaking, and supports the conclusion that these sections not be revised to result in automatic waivers of program requirements being granted should HUD fail to issue a decision within the prescribed timeframes.

The Committee also reviewed whether to revise § 1000.246(c) to delete the second and third sentences that read, “If the request is denied, IHBG funds may not be spent on the housing units. If IHBG funds have been spent on the housing units prior to the denial, the recipient must reimburse the grant for all IHBG funds expended.” HUD notes that section 101(d) of NAHASDA states that grant amounts may not be used unless the dwelling units are exempt from all real and personal property taxes levied or imposed by the state, tribe, city, county or other political subdivision. Recipients would not, therefore, comply with NAHASDA if they used non-federal assistance to pay any tax imposed on the units. As a result, the Committee did not revise § 1000.246.

Issue: What is the appropriate extent of HUD monitoring (§ 1000.503(a)). One commenter stated that HUD changed one of the risk assessment factors related to a determination of the frequency of HUD monitoring in § 1000.532(a)(4) from “delinquent IPA audits” to “delinquent audits.” The commenter stated that the reference to “delinquent audits” should be changed back to the October 2010 version of the provision which provided, “delinquent Independent Public Accountant (IPA) audits.”

Response: HUD agrees that the reference to “delinquent IPA audits” was changed to “delinquent audits,” after the language was negotiated and consensus reached. HUD stated that the change was intended to clarify the provision since the term “IPA” is not defined in the rule and may lend itself to confusion. To more accurately describe the assessment factors which determine the frequency and level of monitoring recipients, the Committee agrees to revise paragraphs (a)(4), (a)(5) and (a)(6) of § 1000.503 to reference OMB Circular A–133. The parties understood during the negotiated rulemaking sessions leading to the development of the proposed rule that

the delinquent audits included in HUD's risk assessment were delinquent OMB Circular A-133 audits. In addition, to reflect existing practice that considers open Inspector General audit findings as a risk assessment factor, the Committee agrees to revise § 1000.503(a)(5) to read, "open OMB Circular A-133 or Inspector General audit findings."

Issue: Potential ambiguity in § 1000.503(b). One commenter stated that there appears to be a grammatical problem with the wording in the introductory language of § 1000.503(b) that could cause ambiguity. The commenter recommended that the provision be clarified by rewriting the section to read as follows: "(b) If monitoring indicates noncompliance, HUD may undertake additional sampling and review to determine the extent of such noncompliance. The level of HUD monitoring of a recipient once that recipient has been selected for HUD monitoring is as follows * * *"

Response: The Committee agrees that the recommendation offered by the commenter would clarify § 1000.503(b) and accordingly, revises this section. In addition, the Committee agrees to further clarify the wording in §§ 1000.503(b)(2) and (b)(3) to make the provisions easier to comprehend and apply.

Issue: HUD altered the meaning of § 1000.503(d) as negotiated by the Committee. One commenter stated that HUD has changed § 1000.503(d) in a way that alters its meaning as negotiated by the Committee. According to the commenter, the original intent agreed to by the Committee was that HUD would not monitor a recipient that has a self-monitoring agreement, absent the circumstances listed in the regulations. The language incorporated in the proposed rule, however, implies that self-monitoring agreements will include provisions for some form of HUD monitoring, even when the circumstances listed in the proposed rule are not present. The commenter recommended that the final regulation include the wording as originally shown in the October 2010 version of the rule, specifically, that "ONAP will not monitor the recipient within the effective period of such agreement or arrangements, unless ONAP finds reasonable evidence of fraud, a pattern of noncompliance, or the significant unlawful expenditure of IHBG funds."

Response: Section 1000.503(d) provides that a recipient may request to enter into a self-monitoring agreement with HUD, under which HUD would monitor only the recipient in accordance with the agreement, absent

reasonable evidence of fraud, a pattern of noncompliance, or significant unlawful expenditure of IHBG funds. The Committee agrees that as written, § 1000.503(d) represents the intent of the parties, and as a result, does not require change at this final rule stage.

Issue: Failure of HUD to issue timely report not sanctioned (§ 1000.528). Several commenters stated that the proposed regulations require tribes to submit comments to the HUD draft report within specific timeframes, and that failure to meet the prescribed time results in consequences for the tribe. The commenters state that there are no consequences for HUD's failure to issue a report within the regulatory timelines. The commenters recommended that the regulation contain some kind of consequence for HUD, or some kind of enforcement or appeal mechanism if HUD fails to meet its obligations under the timelines.

Response: The Committee considered this comment and recognizes that § 1000.528 establishes a timeline for HUD to take action, but does not establish consequences for HUD not taking action within that time period. Tribal representatives stated that establishing consequences for HUD if it fails to meet the timeline would expedite HUD's review of a tribe's draft report and provide additional certainty for the tribes. This section was discussed during the committee meeting leading to the development of this section and there was no consensus to adopt the Tribal position. As a result, the Committee did not change the rule to address this comment.

Issue: Preamble does not accurately describe scope of § 1000.532(a). One commenter stated that HUD's preamble describing the scope of § 1000.532(a) inaccurately describes the scope of this section. The commenter stated that the preamble describes this section as covering "significant noncompliance with major activity of a recipient's IHP" when the proposed section covers any act of substantial noncompliance as defined in § 1000.534, which includes events that are financially significant, whether or not a major activity is involved. The commenter recommended that HUD clarify this language in the final rule.

Response: The Committee considered this comment and agrees that it does not recommend changes to the regulatory text of the final rule. As a result, the Committee agrees that § 1000.532(a) does not require change at this final rule stage. The commenter raises a concern regarding the accuracy of the section of the preamble to the proposed rule that describes § 1000.532(a) (76 FR 71479–

71480). HUD and the Committee reviewed this section of the preamble and agree it does not clearly describe § 1000.532(a). Specifically, the preamble to the proposed rule states that § 1000.532(a) applies to "significant noncompliance with a major activity of a recipient's IHP." To clarify, the final rule at § 1000.532 applies to several categories of "substantial noncompliance" as that term is defined in § 1000.534.

Issue: Provision regarding how long the recipient must maintain program records should be clarified (§ 1000.552(b)). Several commenters stated that only smaller tribes will be controlled by this provision and that most tribes and TDHEs are subject to the Single Audit Act and existing § 1000.552(c). The commenters recommended that HUD combine proposed § 1000.552(b) and existing § 1000.552(c) to make one clearly stated and understandable statement.

Response: The Committee considered these comments and agrees not to change § 1000.552(b) to address this comment.

C. Comments Regarding Nonconsensus Items

Issue: Procedures to respond to HUD remedial actions are insufficient and do not conform to statute (§§ 1000.528 to 1000.536). Several commenters stated that sections 401 and 405 of NAHASDA require full due process for recipients before any NAHASDA funds can be reduced or recaptured for any reason. Full due process includes adequate and detailed notice, the right of the recipient to respond, a hearing, and a final determination made by a fair and impartial decisionmaker. Furthermore, the commenters stated that NAHASDA does not provide for the recapture of funds spent on eligible affordable housing activities under any circumstances. The commenters stated that the proposed regulations do not sufficiently or clearly address these requirements. They recommended that the Committee propose new regulations that make these due process requirements clear and state that recapture of NAHASDA funds that have already been spent on eligible affordable housing activities is prohibited under all circumstances.

Response: No change has been made to this final rule in response to these comments. As discussed in detail in the preamble to the proposed rule, the Committee could not reach consensus on the recapture of expenditures on affordable housing activities. Because decisionmaking during the negotiated rulemaking process was based on

consensus, the absence of consensus on recapture of funds, even after the full consideration of public comments, precluded the Committee from adopting the changes proposed by the commenters.

Issue: Remedial actions in the event of substantial noncompliance; HUD should reconsider opposition to three nonconsensus items (§ 1000.532).

Several commenters urged HUD to reconsider its opposition to the tribal position on three nonconsensus items. Initially, the commenters urged HUD to include in the final rule the Tribes' proposal to impose a 3-year "statute of limitations" on HUD enforcement actions. The commenters stated that such a limitation would provide certainty and stability to tribes and TDHEs in their operations. Second, the commenters urged HUD to incorporate the Tribes' proposal to retain the existing language that would prohibit HUD from recapturing funds that have already been distributed to recipients and expended on affordable housing activities, stating that the recapture of funds is unduly punitive to recipients and would have a potentially adverse impact on low-income tenants and homebuyers who depend on the recipients for ongoing services. Finally, the commenters urged HUD to incorporate the Tribes' proposed language to clarify that the Line of Control Credit System (LOCCS) edit is in fact a "limitation on the availability of payments to programs, projects, or activities not affected by a failure to comply as described under section 401(a)(1) of NAHASDA." The commenters stated that the justification that HUD put forward to support its position is not borne out by the facts or the law.

Another commenter stated that procedures to be used for noncompliance are extremely important to recipients, and while it did not object to § 1000.532 as proposed, it is important for HUD and tribes to reach consensus concerning procedures to be used when noncompliance that is not "substantial" is involved.

Response: No change has been made to this final rule in response to these comments. HUD and the Committee considered these comments and for the reasons discussed in the preamble to the proposed rule, could not reach consensus on any of these three items. Because decisionmaking during the negotiated rulemaking process was based on consensus, the absence of consensus on these three items, even after the full consideration of public comments, precluded the Committee

from adopting the changes proposed by the commenters.

Issue: LOCCS edit is subject to section 401(a)(1) of NAHASDA and should be reconsidered. Several commenters recommended that the rule incorporate the Tribes' proposed language that clarifies that the LOCCS edit is a "limitation on the availability of payments to programs, projects, or activities not affected by a failure to comply," under section 401(a)(1) of NAHASDA, subject to notice and the opportunity for hearing before terminating, reducing, or limiting the availability of payments. The commenters stated that the justification that HUD put forward during the negotiations to support its position is not borne out by the facts or the law cited by HUD, and that HUD's efforts in other programs to avoid due process requirements when restricting or limiting access to funds have been struck down by the courts. Another commenter disagreed with HUD's position regarding the LOCCS edit and stated that HUD will likely be required to publish guidance regarding the provision. The commenter cautioned that unless the guidance is subject to HUD's tribal consultation policy, such guidance would infringe on tribal self-determination.

Response: As discussed in detail in the preamble to the November 18, 2011, proposed rule, HUD and the Tribes disagree as to whether a "LOCCS edit" is a "limitation on the availability of payments to programs, projects, or activities not affected by a failure to comply," as described under section 401(a)(1) of NAHASDA. Interested parties are directed to review the preamble to the proposed rule for a full discussion of the position of the parties. Because decisionmaking during the negotiated rulemaking process was based on consensus, the absence of consensus, even after the full consideration of public comments, precluded the Committee from adopting the changes proposed by the commenters.

Issue: Hearing Requirements for Formula Current Assisted Stock (FCAS) overcounts should be reconsidered (§ 1000.532(b)). Several commenters stated that the tribally proposed language that would make some level of inaccuracy in FCAS reporting by the recipient a substantial noncompliance requiring a hearing should be reconsidered. The commenters strongly recommend that the Committee propose new regulations that make the statutory due process requirements clear in the case of overcounts where a recipient

would lose a substantial amount of their annual funding.

Response: As discussed in detail in the preamble to the November 18, 2011, proposed rule, HUD and the Tribes disagree on the meaning of section 401(a)(2) of NAHASDA, which addresses the counting of FCAS units. Interested parties are directed to review the preamble to the proposed rule for a full discussion of the position of the parties. The Tribes also recommended the addition of a new subsection to § 1000.534 that would provide that a FCAS overcount, in itself, does not constitute substantial noncompliance. Because decisionmaking during the negotiated rulemaking process was based on consensus, the absence of consensus on FCAS overcounting, even after the full consideration of public comments, precluded the Committee from adopting the changes proposed by the commenters.

Issue: Preamble does not accurately describe hearing requirement for FCAS overcounts. One commenter stated that HUD failed to include a full explanation of the Committee's failure to reach consensus of the FCAS overcount issue in the preamble of the rule. The commenter stated that the October 2010 version of the preamble had the full explanation, including a discussion of whether section 401(a)(2) of NAHASDA, as amended, required a hearing before any grant amount adjustment by HUD. The October 2010 version also addressed the Committee's broader discussions regarding the procedural protections to be applied to both noncompliance and "substantial" noncompliance, and would have ensured that even in cases not involving substantial noncompliance, recipients would have minimum due process protections of notice and an opportunity for some form of hearing. The commenter stated that the failure to include the full discussion of these issues as provided in the October 2010 version downplays the significance of the importance of the issue to recipients. The commenter concluded by recommending that even if HUD persists in omitting the provisions concerning noncompliance that is not substantial, the October 2010 preamble discussion of this issue should be included in the published version of the rules.

Response: As discussed in the response immediately preceding this comment, HUD and the Tribes were unable to reach consensus on this issue. Accordingly, the lack of consensus precluded the Committee from adopting the changes proposed by the commenter.

V. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This final rule was determined not to be a “significant regulatory action” as defined in section 3(f) of Executive Order 12866. The docket file is available for public inspection in the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202 402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service, toll free, at 1–800–877–8339.

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB Control Number 2577–0218. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis for any rule that is subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not

have a significant economic impact on a substantial number of small entities. The requirements of this rule apply to Indian tribal governments and their tribal housing authorities. Tribal governments and their tribal housing authorities are not covered by the definition of “small entities” under the RFA. Accordingly, the undersigned certifies that this rule will not have a significant impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled “Federalism”) prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive Order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule will not impose any federal mandate on any state, local, or tribal government, or on the private sector, within the meaning of UMRA.

Environmental Review

A Finding of No Significant Impact (FONSI) with respect to the environment was made at the proposed rule stage in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this

number via TTY by calling the Federal Relay Service, toll free, at 1–800–877–8339.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number (CFDA) for Indian Housing Block Grants is 14.867, and the CFDA for Title VI Federal Guarantees for Financing Tribal Housing Activities is 14.869.

List of Subjects in 24 CFR Part 1000

Aged, Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Public housing, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD amends 24 CFR part 1000 as follows:

PART 1000—NATIVE AMERICAN HOUSING ACTIVITIES

■ 1. The authority citation for 24 CFR part 1000 continues to read as follows:

Authority: 25 U.S.C. 4101 *et seq.*; 42 U.S.C. 3535(d).

■ 2. Revise § 1000.2(a)(6) and (a)(7) to read as follows:

§ 1000.2 What are the guiding principles in the implementation of NAHASDA?

(a) * * *

(6) The need for affordable homes in safe and healthy environments on Indian reservations, in Indian communities, and in Native Alaskan villages is acute and the federal government shall work not only to provide housing assistance, but also, to the extent practicable, to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for Indian tribes and their members.

(7) Federal assistance to meet these responsibilities shall be provided in a manner that recognizes the right of Indian self-determination and tribal self-governance by making such assistance available directly to the Indian tribes or tribally designated entities under authorities similar to those accorded Indian tribes in Public Law 93–638 (25 U.S.C. 450 *et seq.*).

* * * * *

■ 3. Add § 1000.9 to read as follows:

§ 1000.9 How is negotiated rulemaking conducted when promulgating NAHASDA regulations?

The negotiated rulemaking procedures and requirements set out in section 106(b) of NAHASDA shall be conducted as follows:

(a) *Committee membership.* In forming a negotiated rulemaking committee, HUD shall appoint as committee members representatives of the Federal Government and representatives of diverse tribes and program recipients.

(b) *Initiation of rulemaking.* HUD shall initiate a negotiated rulemaking not later than 90 days after the enactment of any act to reauthorize or significantly amend NAHASDA.

(c) *Work groups.* Negotiated rulemaking committees may form workgroups made up of committee members and other interested parties to meet during committee sessions and between sessions to develop specific rulemaking proposals for committee consideration.

(d) *Further review.* Negotiated rulemaking committees shall provide recommended rules to HUD. Once rules are proposed by HUD, they shall be published for comment in the **Federal Register**. Any comments will be further reviewed by the committee and HUD before HUD determines if the rule or rules will be adopted.

■ 4. In § 1000.10(b), revise the definition of “Indian area” and add, in alphabetical order, the definitions for the terms “Housing related activities,” “Housing related community development,” “Outcomes,” and “Tribal program year,” to read as follows:

§ 1000.10 What definitions apply in these regulations?

* * * *

(b) * * *

Housing related activities, for purposes of program income, means any facility, community building, infrastructure, business, program, or activity, including any community development or economic development activity, that:

(1) Is determined by the recipient to be beneficial to the provision of housing in an Indian area; and

(2) Would meet at least one of the following conditions:

(i) Would help an Indian tribe or its tribally designated housing entity to reduce the cost of construction of Indian housing;

(ii) Would make housing more affordable, energy efficient, accessible, or practicable in an Indian area;

(iii) Would otherwise advance the purposes of NAHASDA.

Housing related community development:

(1) Means any facility, community building, business, activity, or infrastructure that:

(i) Is owned by an Indian tribe or a tribally designated housing entity;

(ii) Is necessary to the provision of housing in an Indian area; and

(iii)(A) Would help an Indian tribe or tribally designated housing entity reduce the cost of construction of Indian housing;

(B) Would make housing more affordable, energy efficient, accessible, or practicable in an Indian area; or

(C) Would otherwise advance the purposes of NAHASDA.

(2) Does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 *et seq.*)

* * * *

Indian Area means the area within which an Indian tribe operates affordable housing programs or the area in which a TDHE, as authorized by one or more Indian tribes, operates affordable housing programs. Whenever the term “jurisdiction” is used in NAHASDA, it shall mean “Indian Area,” except where specific reference is made to the jurisdiction of a court.

* * * *

Outcomes are the intended results or consequences important to program beneficiaries, the IHBG recipient, and the tribe generally from carrying out the housing or housing-related activity as determined by the tribe (and/or its TDHE).

* * * *

Tribal program year means the fiscal year of the IHBG recipient.

* * * *

■ 5. In § 1000.12, revise paragraph (d) to read as follows:

§ 1000.12 What nondiscrimination requirements are applicable?

* * * *

(d) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*) apply to Indian tribes that are not covered by the Indian Civil Rights Act. The Title VI and Title VIII requirements do not apply to actions under NAHASDA by federally recognized Indian tribes and their TDHEs. State-recognized Indian tribes and their TDHEs may provide preference for tribal members and other Indian families pursuant to NAHASDA sections 201(b) and 101(k) (relating to tribal preference in employment and contracting).

■ 6. In § 1000.16, revise paragraphs (a)(1) and (c), redesignate paragraph (e) as paragraph (f), and add new paragraph (e) to read as follows:

§ 1000.16 What labor standards are applicable?

(a) * * *

(1) As described in section 104(b) of NAHASDA, contracts and agreements for assistance, sale, or lease under NAHASDA must require prevailing wage rates determined by the Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 3141–44, 3146, and 3147) to be paid to laborers and mechanics employed in the development of affordable housing.

* * * *

(c) *Contract Work Hours and Safety Standards Act.* Contracts in excess of \$100,000 to which Davis-Bacon or HUD-determined wage rates apply are subject by law to the overtime provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701).

* * * *

(e) Paragraphs (a) through (d) of this section shall not apply to any contract or agreement for assistance, sale, or lease pursuant to NAHASDA, or to any contract for construction, development, operations, or maintenance thereunder, if such contract or agreement for assistance, sale, or lease is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe. Paragraphs (a) through (d) of this section shall also not apply to work performed directly by tribal or TDHE employees under a contract or agreement for assistance, sale, or lease, that is covered by one or more such laws or regulations adopted by an Indian tribe.

* * * *

■ 7. Add § 1000.21 to read as follows:

§ 1000.21 Under what circumstances are waivers of the environmental review procedures available to tribes?

A tribe or recipient may request that the Secretary waive the requirements under section 105 of NAHASDA. The Secretary may grant the waiver if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section:

(a) Will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) or any other provision of law that furthers the goals of that Act;

(b) Does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

(c) Is a result of inadvertent error, including an incorrect or incomplete certification provided under section 105(c)(1) of NAHASDA; and

(d) May be corrected through the sole action of the recipient.

■ 8. In § 1000.26, revise paragraphs (a)(5) and (a)(11) to read as follows:

§ 1000.26 What are the administrative requirements under NAHASDA?

(a) * * *

(5) Section 85.21, “Payment,” except that HUD shall not require a recipient to expend retained program income before drawing down or expending IHBG funds.

* * * * *

(11)(i) *General*. Section 85.36 of this title, “Procurement,” except paragraph (a), subject to paragraphs (a)(11)(ii) and (a)(11)(iii) of this section.

(ii) *Bonding requirements*. There may be circumstances under which the bonding requirements of § 85.36(h) are inconsistent with other responsibilities and obligations of the recipient. In such circumstances, acceptable methods to provide performance and payment assurance may include:

(A) Deposit with the recipient of a cash escrow of not less than 20 percent of the total contract price, subject to reduction during the warranty period, commensurate with potential risk;

(B) Letter of credit for 25 percent of the total contract price, unconditionally payable upon demand of the recipient, subject to reduction during any warranty period commensurate with potential risk; or

(C) Letter of credit for 10 percent of the total contract price unconditionally payable upon demand of the recipient, subject to reduction during any warranty period commensurate with potential risk, and compliance with the procedures for monitoring of disbursements by the contractor.

(iii) *De minimis procurement*. A recipient shall not be required to comply with § 85.36 of this title with respect to any procurement, using a grant provided under NAHASDA, of goods and services with a value of less than \$5,000.

(iv) *Utilizing federal supply sources in procurement*. In accordance with Section 101(j) of NAHASDA, recipients may use federal supply sources made available by the General Services Administration pursuant to 40 U.S.C. 501.

* * * * *

■ 9. In § 1000.42, add paragraphs (c) and (d) to read as follows:

§ 1000.42 Are the requirements of section 3 of the Housing and Urban Development Act of 1968 applicable?

* * * * *

(c) *Tribal preference*. Recipients meet the section 3 requirements when they

comply with employment and contract preference laws adopted by their tribe in accordance with section 101(k) of NAHASDA.

(d) *Applicability*. For purposes of section 3, NAHASDA funding is subject to the requirements applicable to the category of programs entitled “Other Programs” that provide housing and community development assistance (12 U.S.C. 1701u(c)(2), (d)(2)).

■ 10. Revise § 1000.48 to read as follows:

§ 1000.48 Are Indian or tribal preference requirements applicable to IHBG activities?

Grants under this part are subject to Indian preference under section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) or, if applicable under section 101(k) of NAHASDA, tribal preference in employment and contracting.

(a)(1) Section 7(b) provides that any contract, subcontract, grant, or subgrant pursuant to an act authorizing grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible:

(i) Preference and opportunities for training and employment shall be given to Indians; and

(ii) Preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(2) The following definitions apply:

(i) The Indian Self-Determination and Education Assistance Act defines “Indian” to mean a person who is a member of an Indian tribe and defines “Indian tribe” to mean any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(ii) In section 3 of the Indian Financing Act of 1974, “economic enterprise” is defined as any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, except that Indian ownership must constitute not less than 51 percent of the enterprise. This act defines “Indian organization” to mean the governing body of any Indian tribe or entity established or recognized by such governing body.

(b) If tribal employment and contract preference laws have not been adopted

by the Indian tribe, section 7(b) Indian preference provisions shall apply.

(c) Exception for de minimis procurements. A recipient shall not be required to apply Indian preference requirements under Section 7(b) of the Indian Self-Determination and Education Assistance Act with respect to any procurement, using a grant provided under NAHASDA, of goods and services with a value less than \$5,000.

■ 11. Revise § 1000.50, to read as follows:

§ 1000.50 What tribal or Indian preference requirements apply to IHBG administration activities?

(a) In accordance with Section 101(k) of NAHASDA, a recipient shall apply the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives a benefit from funds granted to the recipient under NAHASDA.

(b) In the absence of tribal employment and contract preference laws, a recipient must, to the greatest extent feasible, give preference and opportunities for training and employment in connection with the administration of grants awarded under this part to Indians in accordance with section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

■ 12. Revise § 1000.52 to read as follows:

§ 1000.52 What tribal or Indian preference requirements apply to IHBG procurement?

(a) In accordance with Section 101(k) of NAHASDA, a recipient shall apply the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives a benefit from funds granted to the recipient under NAHASDA.

(b) In the absence of tribal employment and contract preference laws, a recipient must, to the greatest extent feasible, give preference in the award of contracts for projects funded under this part to Indian organizations and Indian-owned economic enterprises in accordance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

(c) The following provisions apply to the application of Indian preference under paragraph (b) of this section:

(1) In applying Indian preference, each recipient shall:

(i) Certify to HUD that the policies and procedures adopted by the recipient will provide preference in procurement

activities consistent with the requirements of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) (An Indian preference policy that was previously approved by HUD for a recipient will meet the requirements of this section); or

(ii) Advertise for bids or proposals limited to qualified Indian organizations and Indian-owned enterprises; or

(iii) Use a two-stage preference procedure, as follows:

(A) *Stage 1.* Invite or otherwise solicit Indian-owned economic enterprises to submit a statement of intent to respond to a bid announcement or request for proposals limited to Indian-owned firms.

(B) *Stage 2.* If responses are received from more than one Indian enterprise found to be qualified, advertise for bids or proposals limited to Indian organizations and Indian-owned economic enterprises.

(2) If the recipient selects a method of providing preference that results in fewer than two responsible qualified organizations or enterprises submitting a statement of intent, a bid, or a proposal to perform the contract at a reasonable cost, then the recipient shall:

(i) Readvertise the contract, using any of the methods described in paragraph (c)(1) of this section; or

(ii) Readvertise the contract without limiting the advertisement for bids or proposals to Indian organizations and Indian-owned economic enterprises; or

(iii) If one approvable bid or proposal is received, request Area ONAP review and approval of the proposed contract and related procurement documents, in accordance with 24 CFR 85.36, in order to award the contract to the single bidder or offeror.

(3) Procurements that are within the dollar limitations established for small purchases under 24 CFR 85.36 need not follow the formal bid or proposal procedures of paragraph (c)(1) of this section, since these procurements are governed by the small purchase procedures of 24 CFR 85.36. However, a recipient's small purchase procurement shall, to the greatest extent feasible, provide Indian preference in the award of contracts.

(4) All preferences shall be publicly announced in the advertisement and bidding or proposal solicitation documents and the bidding and proposal documents.

(5) A recipient, at its discretion, may require information of prospective contractors seeking to qualify as Indian organizations or Indian-owned economic enterprises. Recipients may require prospective contractors to

provide the following information before submitting a bid or proposal, or at the time of submission:

(i) Evidence showing fully the extent of Indian ownership and interest;

(ii) Evidence of structure, management, and financing affecting the Indian character of the enterprise, including major subcontracts and purchase agreements; materials or equipment supply arrangements; management salary or profit-sharing arrangements; and evidence showing the effect of these on the extent of Indian ownership and interest; and

(iii) Evidence sufficient to demonstrate to the satisfaction of the recipient that the prospective contractor has the technical, administrative, and financial capability to perform contract work of the size and type involved.

(6) The recipient shall incorporate the following clause (referred to as the section 7(b) clause) in each contract awarded in connection with a project funded under this part:

(i) The work to be performed under this contract is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) (the Indian Act). Section 7(b) requires that, to the greatest extent feasible:

(A) Preferences and opportunities for training and employment shall be given to Indians; and

(B) Preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(ii) The parties to this contract shall comply with the provisions of section 7(b) of the Indian Act.

(iii) In connection with this contract, the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians.

(iv) The contractor shall include this section 7(b) clause in every subcontract in connection with the project; shall require subcontractors at each level to include this section 7(b) clause in every subcontract they execute in connection with the project; and shall, at the direction of the recipient, take appropriate action pursuant to the subcontract upon a finding by the recipient or HUD that the subcontractor has violated the section 7(b) clause of the Indian Act.

(d) A recipient shall not be required to apply Indian preference requirements under Section 7(b) of the Indian Self-Determination and Education Assistance Act with respect to any

procurement, using a grant provided under NAHASDA, of goods and services with a value less than \$5,000.

■ 13. In § 1000.58, revise paragraphs (f) and (g) to read as follows:

§ 1000.58 Are there limitations on the investment of IHBG funds?

* * * * *

(f) A recipient may invest its IHBG annual grant in an amount equal to the annual formula grant amount.

(g) Investments under this section may be for a period no longer than 5 years.

■ 14. Revise § 1000.60 to read as follows:

§ 1000.60 Can HUD prevent improper expenditure of funds already disbursed to a recipient?

Yes. In accordance with the standards and remedies contained in § 1000.532 relating to substantial noncompliance, HUD will use its powers under a depository agreement and take such other actions as may be legally necessary to suspend funds disbursed to the recipient until the substantial noncompliance has been remedied. In taking this action, HUD shall comply with all appropriate procedures, appeals, and hearing rights prescribed elsewhere in this part.

■ 15. In § 1000.62, revise the heading and paragraph (b) to read as follows:

§ 1000.62 What is considered program income?

* * * * *

(b) If the amount of income received in a single year by a recipient and all its subrecipients, which would otherwise be considered program income, does not exceed \$25,000, such funds may be retained but will not be considered to be or treated as program income.

* * * * *

■ 16. Add § 1000.64 to subpart A to read as follows:

§ 1000.64 What are the permissible uses of program income?

Program income may be used for any housing or housing related activity and is not subject to other federal requirements.

■ 17. In § 1000.104, revise paragraphs (b) and (c), and add paragraph (d), to read as follows:

§ 1000.104 What families are eligible for affordable housing activities?

* * * * *

(b) A non-low-income family may receive housing assistance in accordance with § 1000.110.

(c) A family may receive housing assistance on a reservation or Indian

area if the family's housing needs cannot be reasonably met without such assistance and the recipient determines that the presence of that family on the reservation or Indian area is essential to the well-being of Indian families.

(d) A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under NAHASDA for a law enforcement officer on an Indian reservation or other Indian area, if:

(1) The officer:

(i) Is employed on a full-time basis by the federal government or a state, county, or other unit of local government, or lawfully recognized tribal government; and

(ii) In implementing such full-time employment, is sworn to uphold, and make arrests for, violations of federal, state, county, or tribal law; and

(2) The recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.

■ 18. Revise § 1000.106 to read as follows:

§ 1000.106 What families receiving assistance under title II of NAHASDA require HUD approval?

(a) Housing assistance for non-low-income families requires HUD approval only as required in §§ 1000.108 and 1000.110.

(b) Assistance for essential families under section 201(b)(3) of NAHASDA does not require HUD approval but only requires that the recipient determine that the presence of that family on the reservation or Indian area is essential to the well-being of Indian families and that the family's housing needs cannot be reasonably met without such assistance.

■ 19. Revise § 1000.108 to read as follows:

§ 1000.108 How is HUD approval obtained by a recipient for housing for non-low-income families and model activities?

Recipients are required to submit proposals to operate model housing activities as defined in section 202(6) of NAHASDA and to provide assistance to non-low-income families in accordance with section 201(b)(2) of NAHASDA. Assistance to non-low-income families must be in accordance with § 1000.110. Proposals may be submitted in the recipient's IHP or at any time by amendment of the IHP, or by special request to HUD at any time. HUD may approve the remainder of an IHP, notwithstanding disapproval of a model activity or assistance to non-low-income families.

■ 20. Revise § 1000.110 to read as follows:

§ 1000.110 Under what conditions may non-low-income Indian families participate in the program?

(a) A family that was low-income at the times described in § 1000.147 but subsequently becomes a non-low-income family due to an increase in income may continue to participate in the program in accordance with the recipient's admission and occupancy policies. The 10 percent limitation in paragraph (c) of this section shall not apply to such families. Such families may be made subject to the additional requirements in paragraph (d) of this section based on those policies. This includes a family member or household member who takes ownership of a homeownership unit under § 1000.146.

(b) A recipient must determine and document that there is a need for housing for each family that cannot reasonably be met without such assistance.

(c) A recipient may use up to 10 percent of the amount planned for the tribal program year for families whose income falls within 80 to 100 percent of the median income without HUD approval. HUD approval is required if a recipient plans to use more than 10 percent of the amount planned for the tribal program year for such assistance or to provide housing for families with income over 100 percent of median income.

(d) Non-low-income families cannot receive the same benefits provided low-income Indian families. The amount of assistance non-low-income families may receive will be determined as follows:

(1) The rent (including homebuyer payments under a lease purchase agreement) to be paid by a non-low-income family cannot be less than: (Income of non-low-income family/Income of family at 80 percent of median income) × (Rental payment of family at 80 percent of median income), but need not exceed the fair market rent or value of the unit.

(2) Other assistance, including down payment assistance, to non-low-income families, cannot exceed: (Income of family at 80 percent of median income/Income of non-low-income family) × (Present value of the assistance provided to family at 80 percent of median income).

(e) The requirements set forth in paragraphs (c) and (d) of this section do not apply to non-low-income families that the recipient has determined to be essential under § 1000.106(b).

■ 21. Revise § 1000.114 to read as follows:

§ 1000.114 How long does HUD have to review and act on a proposal to provide assistance to non-low-income families or a model housing activity?

Whether submitted in the IHP or at any other time, HUD will have 60 calendar days after receiving the proposal to notify the recipient in writing that the proposal to provide assistance to non-low-income families or for model activities is approved or disapproved. If no decision is made by HUD within 60 calendar days of receiving the proposal, the proposal is deemed to have been approved by HUD.

■ 22. Revise § 1000.116 to read as follows:

§ 1000.116 What should HUD do before declining a proposal to provide assistance to non low-income families or a model housing activity?

HUD shall consult with a recipient regarding the recipient's proposal to provide assistance to non-low-income families or a model housing activity. To the extent that resources are available, HUD shall provide technical assistance to the recipient in amending and modifying the proposal, if necessary. In case of a denial, HUD shall give the specific reasons for the denial.

■ 23. In § 1000.118, revise the heading and paragraph (a), to read as follows:

§ 1000.118 What recourse does a recipient have if HUD disapproves a proposal to provide assistance to non-low-income families or a model housing activity?

(a) Within 30 calendar days of receiving HUD's denial of a proposal to provide assistance to non-low-income families or a model housing activity, the recipient may request reconsideration of the denial in writing. The request shall set forth justification for the reconsideration.

* * * * *

■ 24. Add § 1000.141 to read as follows:

§ 1000.141 What is "useful life" and how is it related to affordability?

Useful life is the time period during which an assisted property must remain affordable, as defined in section 205(a) of NAHASDA.

■ 25. Revise § 1000.142 to read as follows:

§ 1000.142 How does a recipient determine the "useful life" during which low-income rental housing and low-income homebuyer housing must remain affordable as required in sections 205(a)(2) and 209 of NAHASDA?

To the extent required in the IHP, each recipient shall describe its determination of the useful life of the assisted housing units in its developments in accordance with the local conditions of the Indian area of the

recipient. By approving the plan, HUD determines the useful life in accordance with section 205(a)(2) of NAHASDA and for purposes of section 209.

- 26. Add § 1000.143 to read as follows:

§ 1000.143 How does a recipient implement its useful life requirements?

A recipient implements its useful life requirements by placing a binding commitment, satisfactory to HUD, on the assisted property.

- 27. Redesignate § 1000.144 and § 1000.146 as § 1000.145 and § 1000.147, respectively.

- 28. Add § 1000.144 to read as follows:

§ 1000.144 What are binding commitments satisfactory to HUD?

A binding commitment satisfactory to HUD is a written use restriction agreement, developed by the recipient, and placed on an assisted property for the period of its useful life.

- 29. Add § 1000.146 to read as follows:

§ 1000.146 Are binding commitments for the remaining useful life of property applicable to a family member or household member who subsequently takes ownership of a homeownership unit?

No. The transfer of a homeownership unit to a family member or household member is not subject to a binding commitment for the remaining useful life of the property. Any subsequent transfer by the family member or household member to a third party (not a family member or household member) is subject to any remaining useful life under a binding commitment.

- 30. Revise redesignated § 1000.147, to read as follows:

§ 1000.147 When does housing qualify as affordable housing under NAHASDA?

(a) Housing qualifies as affordable housing, provided that the family occupying the unit is low-income at the following times:

(1) In the case of rental housing, at the time of the family's initial occupancy of such unit;

(2) In the case of a contract to purchase existing housing, at the time of purchase;

(3) In the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; and

(4) In the case of a contract to purchase housing to be constructed, at the time the contract is signed.

(b) Families that are not low-income as described in this section may be eligible under § 1000.104 or § 1000.110.

- 31. In § 1000.150, revise the heading to read as follows:

§ 1000.150 How may Indian tribes and TDHEs receive criminal conviction information on applicants for employment and on adult applicants for housing assistance, or tenants?

* * * * *

- 32. Revise § 1000.152 to read as follows:

§ 1000.152 How is the recipient to use criminal conviction information?

(a) With regard to adult tenants and applicants for housing assistance, the recipient shall use the criminal conviction information described in § 1000.150 only for applicant screening, lease enforcement, and eviction actions.

(b) With regard to applicants for employment, the recipient shall use the criminal conviction information described in § 1000.150 for the purposes set out in section 208 of NAHASDA.

(c) The criminal conviction information described in § 1000.150 may be disclosed only to any person who has a job-related need for the information and who is an authorized officer, employee, or representative of the recipient or the owner of housing assisted under NAHASDA.

- 33. Revise § 1000.201 to read as follows:

§ 1000.201 How are funds made available under NAHASDA?

Every fiscal year HUD will make grants under the IHBG program to recipients who have submitted to HUD for a tribal program year an IHP in accordance with § 1000.220 to carry out affordable housing activities.

- 34. Revise § 1000.214 to read as follows:

§ 1000.214 What is the deadline for submission of an IHP?

IHPs must be initially sent by the recipient to the Area ONAP no later than 75 days before the beginning of a tribal program year. Grant funds cannot be provided until the plan due under this section is determined to be in compliance with section 102 of NAHASDA and funds are available.

- 35. Revise § 1000.216 to read as follows:

§ 1000.216 What happens if the recipient does not submit the IHP to the Area ONAP by no later than 75 days before the beginning of the tribal program year?

If the IHP is not initially sent by at least 75 days before the beginning of the tribal program year, the recipient will not be eligible for IHBG funds for that fiscal year. Any funds not obligated because an IHP was not received before this deadline has passed shall be distributed by formula in the following year.

- 36. Revise § 1000.220 to read as follows:

§ 1000.220 What are the requirements for the IHP?

The IHP requirements are set forth in section 102(b) of NAHASDA. In addition, §§ 1000.56, 1000.108, 1000.120, 1000.134, 1000.142, 1000.238, 1000.302, and 1000.328 require or permit additional items to be set forth in the IHP for HUD determinations required by those sections. Recipients are only required to provide IHPs that contain these elements in a form prescribed by HUD. If a TDHE is submitting a single IHP that covers two or more Indian tribes, the IHP must contain a separate certification in accordance with section 102(d) of NAHASDA and IHP Tables for each Indian tribe when requested by such Indian tribes. However, Indian tribes are encouraged to perform comprehensive housing needs assessments and develop comprehensive IHPs and not limit their planning process to only those housing efforts funded by NAHASDA. An IHP should be locally driven.

- 37. Revise § 1000.224 to read as follows:

§ 1000.224 Can any part of the IHP be waived?

Yes. HUD has general authority under section 101(b)(2) of NAHASDA to waive any IHP requirements when an Indian tribe cannot comply with IHP requirements due to exigent circumstances beyond its control, for a period of not more than 90 days. The waiver authority under section 101(b)(2) of NAHASDA provides flexibility to address the needs of every Indian tribe, including small Indian tribes. The waiver may be requested by the Indian tribe or its TDHE (if such authority is delegated by the Indian tribe), and such waiver shall not be unreasonably withheld.

- 38. Add § 1000.225 to read as follows:

§ 1000.225 When may a waiver of the IHP submission deadline be requested?

A recipient may request a waiver for a period of not more than 90 days beyond the IHP submission due date.

- 39. Add § 1000.227 to read as follows:

§ 1000.227 What shall HUD do upon receipt of an IHP submission deadline waiver request?

The waiver shall be decided upon by HUD within 45 days of receipt of the waiver request. HUD shall notify the recipient in writing within 45 days of receipt of the waiver request whether the request is approved or denied.

- 40. In § 1000.230, revise paragraph (a)(1) to read as follows:

§ 1000.230 What is the process for HUD review of IHPs and IHP amendments?

* * * * *

(a) * * *

(1) Comply with the requirements of section 102 of NAHASDA, which outlines the IHP submission requirements; however, the recipient may use either the HUD-estimated IHBG amount or the IHBG amount from their most recent compliant IHP;

* * * * *

- 41. In § 1000.236, revise paragraphs (a)(4), (a)(5), and (b), and add paragraph (a)(6), to read as follows:

§ 1000.236 What are eligible administrative and planning expenses?

(a) * * *

(4) Preparation of the annual performance report;

(5) Challenge to and collection of data for purposes of challenging the formula; and

(6) Administrative and planning expenses associated with expenditure of non-IHBG funds on affordable housing activities if the source of the non-IHBG funds limits expenditure of its funds on such administrative expenses.

(b) Staff and overhead costs directly related to carrying out affordable housing activities or comprehensive and community development planning activities can be determined to be eligible costs of the affordable housing activity or considered as administration or planning at the discretion of the recipient.

- 42. Revise § 1000.238 to read as follows:

§ 1000.238 What percentage of the IHBG funds can be used for administrative and planning expenses?

Recipients receiving in excess of \$500,000 may use up to 20 percent of their annual expenditures of grant funds or may use up to 20 percent of their annual grant amount, whichever is greater. Recipients receiving \$500,000 or less may use up to 30 percent of their annual expenditures of grant funds or up to 30 percent of their annual grant amount, whichever is greater. When a recipient is receiving grant funds on behalf of one or more grant beneficiaries, the recipient may use up to 30 percent of the annual expenditure of grant funds or up to 30 percent of the annual grant amount, whichever is greater, of each grant beneficiary whose allocation is \$500,000 or less, and up to 20 percent of the annual expenditure of grant funds or up to 20 percent of the annual grant amount, whichever is

greater, of each grant beneficiary whose allocation is greater than \$500,000. HUD approval is required if a higher percentage is requested by the recipient. Recipients combining grant funds with other funding may request HUD approval to use a higher percentage based on its total expenditure of funds from all sources for that year. When HUD approval is required, HUD must take into consideration any cost of preparing the IHP, challenges to and collection of data, the recipient's grant amount, approved cost allocation plans, and any other relevant information with special consideration given to the circumstances of recipients receiving minimal funding.

- 43. Add § 1000.239 to read as follows:

§ 1000.239 May a recipient establish and maintain reserve accounts for administration and planning?

Yes. In addition to the amounts established for planning and administrative expenses under §§ 1000.236 and 1000.238, a recipient may establish and maintain separate reserve accounts only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities. These amounts may be invested in accordance with § 1000.58(c). Interest earned on reserves is not program income and shall not be included in calculating the maximum amount of reserves. The maximum amount of reserves, whether in one or more accounts, that a recipient may have available at any one time is calculated as follows:

(a) Determine the 5-year average of administration and planning amounts, not including reserve amounts, expended in a tribal program year.

(b) Establish $\frac{1}{4}$ of that amount for the total eligible reserve.

- 44. Add § 1000.244 to subpart C to read as follows:

§ 1000.244 If the recipient has made a good-faith effort to negotiate a cooperation agreement and tax-exempt status but has been unsuccessful through no fault of its own, may the Secretary waive the requirement for a cooperation agreement and a tax exemption?

Yes. Recipients must submit a written request for waiver to the recipient's Area ONAP. The request must detail a good faith effort by the recipient, identify the housing units involved, and include all pertinent background information about the housing units. The recipient must further demonstrate that it has pursued and exhausted all reasonable channels available to it to reach an agreement to obtain tax-exempt status, and that failure to obtain the

required agreement and tax-exempt status has been through no fault of its own. The Area ONAP will forward the request, its recommendation, comments, and any additional relevant documentation to the Deputy Assistant Secretary for Native American Programs for processing to the Assistant Secretary.

- 45. Add § 1000.246 to subpart C to read as follows:

§ 1000.246 How must HUD respond to a request for waiver of the requirement for a cooperation agreement and a tax exemption?

(a) HUD shall make a determination to such request for a waiver within 30 days of receipt or provide a reason to the requestor for the delay, identify all additional documentation necessary, and provide a timeline within which a determination will be made.

(b) If the waiver is granted, HUD shall notify the recipient of the waiver in writing and inform the recipient of any special condition or deadlines with which it must comply. Such waiver shall remain effective until revoked by the Secretary.

(c) If the waiver is denied, HUD shall notify the recipient of the denial and the reason for the denial in writing. If the request is denied, IHBG funds may not be spent on the housing units. If IHBG funds have been spent on the housing units prior to the denial, the recipient must reimburse the grant for all IHBG funds expended.

- 46. In § 1000.302, revise paragraph (2)(i)(B) of the definition of "Formula area" and paragraph (3) of the definition of "Substantial housing services," to read as follows:

§ 1000.302 What are the definitions applicable for the IHBG formula?

* * * * *

Formula area. * * *

(2)(i) * * *

(B) Is providing substantial housing services and will continue to expend or obligate funds for substantial housing services, as reflected in its Indian Housing Plan and Annual Performance Report for this purpose.

* * * * *

Substantial housing services are:

* * *

(3) HUD shall require that the Indian tribe annually provide written verification, in its Indian Housing Plan and Annual Performance Report, that the affordable housing activities it is providing meet the definition of substantial housing services.

* * * * *

- 47. In § 1000.328, revise paragraph (b)(2) to read as follows:

§ 1000.328 What is the minimum amount that an Indian tribe may receive under the need component of the formula?

* * * * *

(b) * * *

(2) Certify in its Indian Housing Plan the presence of any households at or below 80 percent of median income.

■ 48. Revise § 1000.332 to read as follows:

§ 1000.332 Will data used by HUD to determine an Indian tribe's or TDHE's formula allocation be provided to the Indian tribe or TDHE before the allocation?

Yes. HUD shall provide the Indian tribe or TDHE notice of the data to be used for the formula and projected allocation amount by June 1.

■ 49. Remove § 1000.408.

■ 50. In § 1000.410, revise paragraphs (c) and (d), and add paragraph (e) to read as follows:

§ 1000.410 What conditions shall HUD prescribe when providing a guarantee for notes or other obligations issued by an Indian tribe?

* * * * *

(c) The repayment period may exceed 20 years, and the length of the repayment period cannot be the sole basis for HUD disapproval;

(d) Lender and issuer/borrower must certify that they acknowledge and agree to comply with all applicable tribal laws; and

(e) A guarantee made under Title VI of NAHASDA shall guarantee repayment of 95 percent of the unpaid principal and interest due on the notes or other obligations guaranteed.

■ 51. In § 1000.424, revise paragraph (a), remove paragraph (d)(2), and redesignate paragraphs (d)(3) through (d)(6) as paragraphs (d)(2) through (d)(5), respectively, to read as follows:

§ 1000.424 What are the application requirements for guarantee assistance under title VI of NAHASDA?

* * * * *

(a) An identification of each of the activities to be carried out with the guaranteed funds and a description of how each activity qualifies:

(1) As an affordable housing activity as defined in section 202 of NAHASDA; or

(2) As a housing related community development activity under section 601(a) of NAHASDA.

* * * * *

■ 52. In § 1000.428, revise paragraphs (b) and (e) to read as follows:

§ 1000.428 For what reasons may HUD disapprove an application or approve an application for an amount less than that requested?

* * * * *

(b) The loan or other obligation for which the guarantee is requested exceeds any of the limitations specified in sections 601(c) or section 605(d) of NAHASDA.

* * * * *

(e) The activities to be undertaken are not eligible under either:

- (1) Section 202 of NAHASDA; or
- (2) Section 601(a) of NAHASDA.

* * * * *

■ 53. Add § 1000.503 to read as follows:

§ 1000.503 What is an appropriate extent of HUD monitoring?

(a) Subject to any conflicting or supplementary requirement of specific legislation, and upon the effective date of this regulation, the frequency of HUD monitoring of a particular recipient will be determined by application of the HUD standard risk assessment factors, provided that when a recipient requests to be monitored, HUD shall conduct such monitoring as soon as practicable. The HUD standard risk assessment factors may be but are not limited to the following:

- (1) Annual grant amount;
- (2) Disbursed amounts—all open grants;
- (3) Months since last on-site monitoring;
- (4) Delinquent Office of Management and Budget (OMB) Circular A-133 audits;
- (5) Open OMB Circular A-133 or Inspector General audit findings;
- (6) Conclusions of OMB Circular A-133 auditor;
- (7) Open monitoring findings;
- (8) Delinquent Annual Performance Reports or Annual Status and Evaluation Reports;
- (9) Status of Corrective Action Plan (CAP) or Performance Agreement (PA);
- (10) Recipient Self-Monitoring;
- (11) Inspection of 1937 Act units;
- (12) Preservation of 1937 Act units;

and

(13) Any other additional factors that may be determined by HUD, consistent with HUD's Tribal Consultation Policy, by which HUD will send written notification and provide a comment period. Such additional factors shall be provided by program guidance.

(b) If monitoring indicates noncompliance, HUD may undertake additional sampling and review to determine the extent of such noncompliance. The level of HUD monitoring of a recipient once that recipient has been selected for HUD monitoring is as follows:

(1) Review recipient program compliance for the current program year and the 2 prior program years;

(2) On-site inspection of no more than 10 dwelling units or no more than 10 percent of total dwelling units, whichever is greater;

(3) Review of no more than 10 client files or no more than 10 percent of client files, whichever is greater.

(c) Notwithstanding paragraph (b) of this section, HUD may at any time undertake additional sampling and review of prior program years, subject to the records retention limitations of § 1000.552, if HUD has credible information suggesting noncompliance. HUD will share this information with the recipient as appropriate.

(d) A recipient may request ONAP to enter into Self-Monitoring Mutual Agreements or other self-monitoring arrangements with recipients. ONAP will monitor the recipient only in accordance with such agreement or arrangement, unless ONAP finds reasonable evidence of fraud, a pattern of noncompliance, or the significant unlawful expenditure of IHBG funds.

■ 54. Remove § 1000.504.

■ 55. In § 1000.512, revise paragraphs (b) and (c), and add paragraphs (d) and (e), to read as follows:

§ 1000.512 Are performance reports required?

* * * * *

(b) Brief information on the following:

- (1) A comparison of actual accomplishments to the planned activities established for the period;
- (2) The reasons for slippage if established planned activities were not met; and
- (3) Analysis and explanation of cost overruns or high unit costs;

(c) Any information regarding the recipient's performance in accordance with HUD's performance measures, as set forth in section § 1000.524; and

(d) Annual performance data to reflect the accomplishments of the recipient to include, as specified in the IHP:

- (1) Permanent and temporary jobs supported with IHBG funds;
- (2) Outputs by eligible activity, including:
 - (i) Units completed or assisted, and
 - (ii) Families assisted; and
- (3) Outcomes by eligible activity.

(e) As applicable, items required under §§ 1000.302 and 1000.544.

■ 56. In § 1000.520, revise the heading, introductory text, and paragraph (c), to read as follows:

§ 1000.520 What are the purposes of HUD's review of the Annual Performance Report?

HUD will review each recipient's Annual Performance Report when submitted to determine whether the recipient:

* * * * *

(c) Whether the Annual Performance Report of the recipient is accurate.

■ 57. In § 1000.524, remove paragraph (a), redesignate paragraphs (b) through (f) as paragraphs (a) through (e), and revise redesignated paragraph (d) to read as follows:

§ 1000.524 What are HUD's performance measures for the review?

* * * * *

(d) The recipient has met the IHP-planned activities in the one-year plan.

* * * * *

■ 58. Revise § 1000.528 to read as follows:

§ 1000.528 What are the procedures for the recipient to comment on the result of HUD's review when HUD issues a report under section 405(b) of NAHASDA?

HUD will issue a draft report to the recipient and Indian tribe within 60 days of the completion of HUD's review. The recipient will have at least 60 days to review and comment on the draft report, as well as provide any additional information relating to the draft report. Upon written notification to HUD, the recipient may exercise the right to take an additional 30 days to complete its review and comment to the draft report. Additional extensions of time for the recipient to complete review and comment may be mutually agreed upon in writing by HUD and the recipient. HUD shall consider the comments and any additional information provided by the recipient. HUD may also revise the draft report based on the comments and any additional information provided by the recipient. HUD shall make the recipient's comments and a final report readily available to the recipient, grant beneficiary, and the public not later than 30 days after receipt of the recipient's comments and additional information.

■ 59. In § 1000.530, revise the heading and paragraph (b), to read as follows:

§ 1000.530 What corrective and remedial actions will HUD request or recommend to address performance problems prior to taking action under § 1000.532?

* * * * *

(b) Failure of a recipient to address performance problems specified in paragraph (a) of this section may result in the imposition of sanctions as prescribed in § 1000.532.

■ 60. Revise § 1000.532 to read as follows:

§ 1000.532 What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance?

(a) If HUD finds after reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with any provision of NAHASDA or the regulations in this part, HUD shall carry out any of the following actions with respect to the recipient's current or future grants, as appropriate:

(1) Terminate payments under NAHASDA to the recipient;

(2) Reduce payments under NAHASDA to the recipient by an amount equal to the amount of such payments that were not expended in accordance with NAHASDA or these regulations;

(3) Limit the availability of payments under NAHASDA to programs, projects, or activities not affected by the failure to comply; or

(4) In the case of noncompliance described in § 1000.542, provide a replacement TDHE for the recipient.

(b) Before undertaking any action in accordance with paragraph (a) of this section, HUD will notify the recipient in writing of the action it intends to take and provide the recipient an opportunity for an informal meeting to resolve the deficiency. Before taking any action under paragraph (a) of this section, HUD shall provide the recipient with the opportunity for a hearing no less than 30 days prior to taking the proposed action. The hearing shall be held in accordance with § 1000.540. The amount in question shall not be reallocated under the provisions of § 1000.536, until 15 days after the hearing has been conducted and HUD has rendered a final decision.

(c) Notwithstanding paragraphs (a) and (b) of this section, if HUD makes a determination that the failure of a recipient to comply substantially with any material provision of NAHASDA or these regulations is resulting, and would continue to result, in a continuing expenditure of funds provided under NAHASDA in a manner that is not authorized by law, HUD may, in accordance with section 401(a)(4) of NAHASDA, take action under paragraph (a)(3) of this section prior to conducting a hearing under paragraph (b) of this section. HUD shall provide notice to the recipient at the time that HUD takes that action and conducts a hearing, in accordance with section 401(a)(4)(B) of NAHASDA, within 60 days of such notice.

(d) Notwithstanding paragraph (a) of this section, if HUD determines that the failure to comply substantially with the provisions of NAHASDA or these regulations is not a pattern or practice of activities constituting willful noncompliance, and is a result of the limited capability or capacity of the recipient, if the recipient requests, HUD shall provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability or capacity of the recipient to administer assistance under NAHASDA in compliance with the requirements under NAHASDA. A recipient's eligibility for technical assistance under this subsection is contingent on the recipient's execution of, and compliance with, a performance agreement pursuant to Section 401(b) of NAHASDA.

(e) In lieu of, or in addition to, any action described in this section, if the Secretary has reason to believe that the recipient has failed to comply substantially with any provisions of NAHASDA or these regulations, HUD may refer the matter to the Attorney General of the United States, with a recommendation that appropriate civil action be instituted.

■ 61. In § 1000.534, revise paragraph (a) to read as follows:

§ 1000.534 What constitutes substantial noncompliance?

* * * * *

(a) The noncompliance has a material effect on the recipient meeting its planned activities as described in its Indian Housing Plan;

* * * * *

■ 62. In § 1000.536, revise the heading to read as follows:

§ 1000.536 What happens to NAHASDA grant funds adjusted, reduced, withdrawn, or terminated under § 1000.532?

* * * * *

■ 63. Remove § 1000.538.

■ 64. Revise § 1000.544 to read as follows:

§ 1000.544 What audits are required?

Pursuant to NAHASDA section 405(a), the recipient must comply with the requirements of the Single Audit Act (chapter 75 of title 31, United States Code), including OMB Circular A-133, which require annual audits of recipients that expend federal funds equal to or in excess of an amount specified by the Office of Management and Budget (OMB), as set out in OMB Circular A-133, subpart B, section 200. If applicable, a certification that the recipient has not expended federal funds in excess of the audit threshold that is set by OMB shall be included in

the recipient's Annual Performance Report.

■ 65. Revise § 1000.548 to read as follows:

§ 1000.548 Must a copy of the recipient's audit pursuant to the Single Audit Act relating to NAHASDA activities be submitted to HUD?

Yes. A copy of the latest recipient audit under the Single Audit Act relating to NAHASDA activities must be submitted to the appropriate HUD ONAP area office at the same time it is submitted to the Federal Audit Clearinghouse pursuant to OMB Circular A-133.

■ 66. Revise § 1000.552(b) to read as follows:

§ 1000.552 How long must the recipient maintain program records?

* * * * *

(b) Except as otherwise provided herein, records must be retained for 3 years from the end of the tribal program year during which the funds were expended.

* * * * *

Dated: November 27, 2012.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2012-29133 Filed 11-30-12; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 515

Cuban Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control ("OFAC") is amending the Cuban Assets Control Regulations to authorize the processing of funds transfers for the operating expenses or other official business of third-country diplomatic or consular missions in Cuba. OFAC also is amending the Cuban Assets Control Regulations to authorize certain payments for services rendered by Cuba to United States aircraft that currently require the issuance of a specific license.

DATES: *Effective Date:* December 3, 2012.

FOR FURTHER INFORMATION CONTACT:

Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622-2490, Assistant Director for Licensing, tel.: 202/622-2480, Assistant Director

for Policy, tel.: 202/622-4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (www.treasury.gov/ofac). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622-0077.

Background

The U.S. Government issued the Cuban Assets Control Regulations, 31 CFR part 515 (the "CACR"), on July 8, 1963, under the Trading With the Enemy Act (50 U.S.C. App. 5 *et seq.*). Section 515.201 of the CACR prohibits, *inter alia*, all transfers of credit and all payments in which Cuba or a Cuban national has any interest of any nature whatsoever, direct or indirect, between, by, through, or to any banking institution wheresoever located, with respect to any property subject to the jurisdiction of the United States or by any person subject to the jurisdiction of the United States.

OFAC is amending the CACR to authorize the processing of funds transfers for the operating expenses or other official business of third-country diplomatic or consular missions in Cuba. OFAC also is amending the CACR to authorize certain payments for services rendered by Cuba to United States aircraft.

Third-country diplomatic and consular funds transfers. To ensure that the prohibitions in the CACR do not impede third-country diplomatic or consular activities in Cuba, OFAC is adding new section 515.579 to the CACR. This new section authorizes the processing of funds transfers otherwise prohibited by the CACR for the operating expenses or other official business of third-country diplomatic or consular missions in Cuba.

Services rendered by Cuba to United States aircraft. OFAC is amending section 515.548 of the CACR to add a general license authorizing payments in connection with overflights of Cuba or emergency landings in Cuba by United States aircraft. Prior to this amendment, such payments required the issuance of a specific license.

Public Participation

Because the amendment of the CACR involves a foreign affairs function, the

provisions of Executive Order 12866 of September 30, 1993, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

Paperwork Reduction Act

The collections of information related to the CACR are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505-0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 515

Aircraft, Banks, Banking, Cuba, Currency, Diplomatic and consular missions, Emergency landings, Overflights.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR part 515 as set forth below:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 515 continues to read as follows:

Authority: 18 U.S.C. 2332d; 22 U.S.C. 2370(a), 6001-6010, 7201-7211; 31 U.S.C. 321(b); 50 U.S.C. App 1-44; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104-114, 110 Stat. 785 (22 U.S.C. 6021-6091); Pub. L. 105-277, 112 Stat. 2681; Pub. L. 111-8, 123 Stat. 524; Pub. L. 111-117, 123 Stat. 3034; E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959-1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Revise § 515.548 to read as follows:

§ 515.548 Services rendered by Cuba to United States aircraft.

Payment to Cuba of charges for services rendered by Cuba in connection with overflights of Cuba or emergency landings in Cuba by aircraft registered in the United States or owned or controlled by, or chartered to, persons

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| Building Communities | Greening Affordable Housing |
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The **Great Lakes Center** at the Univ of Illinois School of Public Health (UIC), **Southern California NIOSH Education and Research Center (UCLA)** and **John Hopkins Center for Occupational Safety and Health (JHSPH)** are 3 of 16 NIOSH (Nat'l Inst for Occupational Safety & Hlth) sponsored centers. Each center's principal objective is to prepare professionals in the field of occupational and environmental safety and health in the areas of research, education, service and policy development, but there programs also include elements that reach out to practitioners to educate and promote initiatives important to public health. UIC has worked with USEPA and USDHUD for over 20 years to train over 1,500 local government and Public Housing Authority officials. Participants consistently rate the courses highly and HUD awarded a "Best Practice" to the program in 2000. UCLA joined the effort in 2005 and JHSPH is making their initial effort this year

To contact UIC's GLC call 312-996-6904 or visit <http://publichealthlearning.com/Modules/Conference/Public/>

To contact UCLA's ERC call 310-206-2304 or visit <http://www.ph.ucla.edu/erc/ced.php>

To contact JHSPH's ERC call 410-955-0423 or visit <http://www.jhsph.edu/erc/index.html>

Need Based Scholarships available

Course/Conference/Seminar Scholarship-Discount Request

Instructions: Persons requesting a scholarship for or a discount of the posted course fee shall complete this form and return to the us. The course director and manager will review this request and communicate with the registrar who will inform the requestor of her/his approval status.

Scholarships or discounts requests are only approved when the breakeven number of paying participants has been reached for the course and that the requestor justifies the request with a need based on the community the organization serves or due to limited financial resources of the requestor.

Name of
Requestor _____ Organization _____

Phone Number _____

E-Mail address _____

Profession/Degree _____

Course Title and Date _____

Reason for the request _____

Community Served by Requestor _____

Signature: _____

Email to glep@glep.info or Fax to: 951-281-4920

GLEP Notes:

HUD's Office of Native American Programs Training Announcement

Environmental Review Training



Overview

Under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD provides grants, loan guarantees, and technical assistance to Indian tribes and Alaska Native villages for the development and operation of low-income housing in Indian areas. Grants are made to eligible recipients under the Indian Housing Block Grant (IHBG) program. Grantees receiving funds under this program are responsible for meeting the requirements of NAHASDA and its implementing regulations.

Training

Learn the ins and outs of environmental review! This 3-day training will offer IHBG Grantees the skills to successfully carry out an environmental review. Training will include detailed instructions on meeting the legislative and regulatory requirements of environmental review, assistance in devising standard procedures for conducting and documenting an environmental review, specific instruction for carrying out environmental review responsibilities, levels of environmental review, and key steps in the environmental review process. As we answer questions common to the environmental review process, tribes will be encouraged to share advice and best practices, to help you avoid common pitfalls!

NEW

NAIHC Leadership Institute Development Management Certification

NEW

The National American Indian Housing Council (NAIHC), in cooperation with the Office of Native American Programs (ONAP), will offer students the option to take an examination for Leadership Institute credit after completing the ONAP sponsored Environmental Review trainings below. Students who receive a passing score will earn credit under NAIHC's Leadership Institute Development Management Certification Track and will be issued a certificate of completion.

Additional information can be found at the link below. NAIHC charges a \$299 fee to take the examination for credit under the Leadership Institute curriculum. The fee is payable in advance to the NAIHC. Students who the pass the examination will receive credit under the NAIHC Leadership Institute Development Management Certification Track and will be issued a certificate of completion.

REGISTRATION INFORMATION

- For information, please visit <http://registration.firstpic.org> or contact Julie Potter at 202.393.6400 or jpotter@firstpic.org.
- Registration for the ONAP workshop is FREE. The cost for the certification exam is \$299.

Session 1:

October 2-4, 2012
(ONAP Course)
October 5, 2012
9am-12pm (LI Exam)
Seattle, WA

Session 2:

October 30-November 1, 2012
(ONAP Course)
November 2, 2012
9am-12pm (LI Exam)
Denver, CO

Session 3:

December 4-6, 2012
(ONAP Course)
December 7, 2012
9am-12pm (LI Exam)
Albuquerque, NM

**SAVE
THE
DATE!**

Session 4:

January 8-10, 2013
(ONAP Course)
January 11, 2013
9am-12pm (LI Exam)
Anchorage, AK

Session 5:

February 26-28, 2013
(ONAP Course)
March 1, 2013
9am-12pm (LI Exam)
Oklahoma City, OK





Greener Homes Regional Training

Creating Energy Efficient, Comfortable & Healthy Tribal Homes



As tribal communities invest in greener homes, the need to determine just how well these homes are performing in the areas of low energy consumption, comfort, indoor air quality, and costs becomes more essential. This 2-day workshop will provide strategies to address these questions. Data collection techniques to assess indoor air quality, air infiltration, and efficient energy use will be presented, along with cost analysis of how energy-efficient homes compare to the traditional energy consuming home. The session will also introduce the ultimate performing sustainable house - the net zero energy home as well as key energy cost reduction measures for upgrading inefficient buildings.

Who Should Attend: Housing Directors, Maintenance Supervisors, Project Developers, Housing Construction Specialists, Planners, Housing Commissioners, Architects, Resident Service Advisors, Tribal Energy Specialists, and Tribal Utility Staff.

Course Objectives: The goal of this training session is to provide tools for tribal housing entities to measure and determine how well their green buildings are performing by providing techniques on data monitoring and collecting, and cost benefit analysis. This session will also introduce the grid tied net zero energy home, rainwater gardens and collection, alternative renewable energy technologies, and key energy cost reduction measures for upgrading inefficient buildings.

New! SUSTAINABLE CONSTRUCTION IN INDIAN COUNTRY TRAINING New!

Sustainable Construction training is a 1-day workshop held the day after the Greener Homes Regional Trainings. See below for hotel information. Participants may register for either workshop or both workshops. Sustainable construction offers tribal communities many benefits: control over energy costs, more durable and healthy housing, lighter environmental footprint. But how can you move from an inefficient home to having an overall energy efficient and sustainable housing stock? This workshop uses real-life examples to offer information on benchmarking and modeling, smart retrofit choices, and opportunities to leverage funds with utility companies.

Schedule

December 11-12, 2012 (Greener Homes)
December 13, 2012 (Sustainable Construction)
The Skirvin Hilton
One Park Avenue
Oklahoma City, OK 73102
1-405-272-3040
Hotel Cut-off Date: November 26, 2012
Group Code: HUD

February 12-13, 2013 (Greener Homes)
February 14, 2013 (Sustainable Construction)
Albuquerque Marriott
2101 Louisiana Boulevard NE
Albuquerque, NM 87110
1-800-228-9290
Hotel Cut-off Date: January 28, 2013
Group Code: HUDFEB2013

Hotel and Travel Arrangements: Attendees are responsible for arranging and covering costs associated with their own travel and lodging. Make arrangements before the indicated cut-off dates to take advantage of group rates.

Registration and Logistical Information: Registration is FREE. Register and receive information for the trainings online at <http://registration.firstpic.org>. For further information please contact Pillar Lee by phone at 202-393-6400 or by email at plee@firstpic.org.

HUD's Green Academy: Training Courses Offered in Energy Efficiency and Green Building

Announcing the U.S. Department of Housing and Urban Development's (HUD) Green Academy! HUD's "Green Academy" is offers green building training to HUD grant recipients and other affordable housing organizations receiving HUD assistance. Registration is now open for training at sites across the country.

Why Attend HUD's Green Academy?

You should attend HUD's Green Academy if you are interested in learning how to:

- Increase the health and energy efficiency of your affordable housing portfolio;
- Reduce operating expenses while preserving water and energy;
- Finance green and energy efficient improvements; and,
- Achieve healthier, safer and more efficient buildings.

Available Training Courses

The following training courses are available through HUD's Green Academy.

You may register for one or multiple courses.

» **Introduction to Energy Efficiency and Green Building for Affordable Housing** (1 ½ days) is an introductory course that provides training and knowledge on how best to incorporate green building energy efficiency practices and applicable regulations and incentives that support energy efficiency and green building practices. This course serves as HUD's "core curriculum" in energy efficiency and green building.

» **Executive Decision Making** (½ day) provides an overview of key decisions tha needed to optimize green practices in your affordable housing organization. This course is aimed at Executive Directors and senior managers who are responsible for decision-making about new construction, rehabilitation, operations, and maintenance of affordable housing.

» **Best Practices for Green Building Operations & Maintenance** (1 day) provides practical information specific to building operations and maintenance including best green building practices and regulatory requirements and how these best practices and requirements can be incorporated into the day-to-day work.

» **Financing Energy Efficiency and Green Building** (1 day) provides a review of applicable regulations and a detailed look at incentives and financing options for projects or policies that integrate energy efficiency and green building practices.

» **Energy Performance Contracting for Small Housing Authorities** (1 day) covers financing and incentives for Energy Performance Contracts for small PHAs, including the importance of a comprehensive energy audit, and a review of applicable regulations , with the goal of supporting substantial energy savings through cost-effective improvements using energy conservation measurement and validation tools and techniques.

Who is eligible? These courses are open to all HUD grantees and affordable housing organizations receiving HUD assistance. Priority will be given to prime and sub-recipients of HUD funding.

What does it cost? HUD's Green Academy courses are available at no cost to all eligible participants (travel costs not included).

Find a training course near you:

To register and for more information, visit: <http://www.sustainable-performance.org/HUDGreenAcad>.

Registration is now open for the following trainings:

| | | | |
|--------------------|-------------------------|-----------------|-------------------------|
| Cleveland, OH | October 29- Nov 2, 2012 | Columbus, OH | January 14-18, 2013 |
| Detroit, MI | November 5-9, 2012 | Houston, TX | January 14-18, 2013 |
| Pittsburgh, PA | December 3-7, 2012 | Los Angeles, CA | January 28- Feb 1, 2013 |
| San Francisco, CA | December 4-7, 2012 | Albuquerque, NM | January 28- Feb 1, 2013 |
| Salt Lake City, UT | December 10-14, 2012 | Boise, ID | February 4-8, 2013 |
| Newark, NJ | December 10-14, 2012 | New York, NY | February 4-8, 2013 |
| Hartford, CT | January 14-18, 2013 | Bozeman, MT | February 11-15-2013 |

About HUD's Affordable Green Initiative

HUD's Affordable Green Initiative is a provides energy efficiency and green building tools and resources to HUD grantees and affordable housing organizations receiving HUD assistance. Participants may receive training, technical assistance at no cost.

HUD's Office of Native American Programs Training Announcement Indian Housing Plan (IHP)/ Annual Performance Report (APR)



Overview

Under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD provides grants, loan guarantees, and technical assistance to Indian tribes and Alaska Native villages for the development and operation of low-income housing in Indian areas. Grants are made to eligible recipients under the Indian Housing Block Grant (IHBG) program. To be eligible for the grants, recipients must submit an IHP that meets the minimum requirements of the Act.

Effective in Fiscal Year 2012 recipients are now required to submit the IHP to HUD at least 75 days prior to the start of their 12-month program year. The APR is due no later than 90 days after the end of the recipient's program year. The IHP and the APR (previously two separate forms) is now combined into one form. The new form was required starting July 18, 2011 as follows:

| Recipient Program Year Beginning | IHP Submission Deadline |
|----------------------------------|-------------------------|
| October 1, 2012 | July 18, 2012 |
| January 1, 2013 | October 18, 2012 |
| April 1, 2013 | January 16, 2013 |
| July 1, 2013 | April 15, 2013 |

Training

Participants at this training will receive step-by-step instruction on how to successfully complete the newly combined IHP/APR form. In addition to a walk-through of the new automated form, participants will also receive guidance on the development, planning, and reporting processes and requirements. All grantees are encouraged to attend this training.

REGISTER TODAY!

- For additional information and to register, please visit <http://registration.firstpic.org> or contact Julie Potter at 202.393.6400.
- Government rate is available at the hotel until the designated cut-off date listed below.
- Registration for this workshop is FREE!

Session 1:

December 4-6, 2012
Westin Seattle
1900 Fifth Avenue
Seattle, WA 98101
1-888-627-8513
Hotel Cut-off Date:
November 19, 2012
Group Code: HUD

Session 2:

January 8-10, 2013
Hyatt Regency Phoenix
122 N Second Street
Phoenix, AZ 85004
1-602-252-1234
Hotel Cut-off Date:
December 21, 2012
Group Code: HUD

Session 3:

January 15-17, 2013
Sheraton Downtown Oklahoma City
1 North Broadway Avenue
Oklahoma City, OK 73102
1-800-325-3535
Hotel Cut-off Date:
January 2, 2013
Group Code: FirstPic



HUD's Office of Native American Programs Training Announcement

NAHASDA Essentials



Overview

Under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD provides grants, loan guarantees, and technical assistance to Indian tribes and Alaska Native villages for the development and operation of low-income housing in Indian areas. Grants are made to eligible recipients under the Indian Housing Block Grant (IHBG) program. Grantees receiving funds under this program are responsible for meeting the requirements of NAHASDA and its implementing regulations.

Training

This exciting and interactive three-day training will provide attendees with a comprehensive introduction to the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA).

Participants will become familiar with all program activities, including rental housing, homebuyer programs, rehabilitation, and housing and crime prevention services. Other major topics that will be covered include the Indian Housing Block Grant (IHBG) formula, eligible program participants, income verifications, other federal requirements, financial management and program administration.

This foundational course will acquaint tribal and TDHE staff with the basic requirements of the IHBG Program and opportunities that are available. The training will be presented through case studies, group discussions, team games, lectures and hands-on exercises.

REGISTRATION INFORMATION

- For additional information, please visit <http://registration.firstpic.org> or contact Julie Potter at 202.393.6400.
- Registration for this workshop is FREE!

SAVE THE DATE!

Session 1:

September 26-28, 2012
Duluth, MN

Session 2:

October 30-November 1, 2012
Seattle, WA

Session 3:

November 13-15, 2012
Anchorage, AK

Session 4:

February 5-7, 2013
Albuquerque, NM

Session 5:

March 5-7, 2013
Denver, CO



Tribal Development Series Boot Camp

January 16-17, 2013

*Committing to the Ground:
Master Planning for Sustainable Development in Indian Country*

Registration Form

REGISTRATION FEE: \$150.00

Please print clearly.

First Name:

Last Name:

Title:

Telephone:

Fax:

Name of Organization:

Address:

City:

State:

Zip Code:

Email Address:

Please Select a Box That Best Describes Your Organizational Group:

- ☐ Government Agency
☐ Tribal Organization
☐ Tribal Leader

- ☐ Developer
☐ Private Property Owner
☐ Archaeologist

- ☐ Law Firm
☐ Contractor
☐ Lobbyist

☐ Other

- _____

Mail & Contact Information

Make check payable to:

**Eppard Vision – APT Program
PO Box 5914
Bellingham, WA 98227-5914
Phone: 360.920.8908**

STAFF USE :

- ☐ Cash: _____
☐ Check/M.O. #: _____
☐ Invoice #: _____

Alpha: _____ Numeric: _____

DB: _____ CM: _____ BG: _____

Payment Received: \$

Date:

Received by (initial):



BUILDING SUSTAINABLE COMMUNITY YOUTH ORGANIZATIONS IN INDIAN COUNTRY

*An introduction to exploring
program approaches and options
for Native youth*

OVERVIEW:

This informative training will provide information to Tribally designated housing entity (TDHE) staff, tribal leaders, community representatives, and youth development professionals who wish to:

- Explore the feasibility of starting, promoting, and sustaining youth development programs in Indian Country
- Gain an understanding of the organizational relationships between TDHEs, tribal organizations, and national youth development organizations
- Review HUD and other funding sources to support establishing a local youth development program to serve Native American youth
- Learn from the experience of existing youth development programs which are successfully serving the needs of Native American youth to benefit the community

NOTE: There is no registration fee for this workshop. Tribes may use Indian Housing Block Grant (IHBG) funds to cover travel-related expenses.

WHO SHOULD ATTEND:

Tribal leaders
TDHE staff
Community representatives
Youth development professionals

UPCOMING TRAININGS:

November 14-15, 2012

Hyatt Regency
Albuquerque, NM

December 3-4, 2012

Coming Soon!
Oklahoma City, OK

TO REGISTER OR LEARN MORE:

<http://registration.firstpic.org>
1-866-622-5827



REGISTRATION BROCHURE

PROMISES TO KEEP IN CHALLENGING TIMES

2012 National Rural Housing Conference

Housing Assistance Council

December 6–7, 2012

Pre-Conference Activities December 5

Hyatt Regency Washington, Capitol Hill





REGISTER NOW

FOR THE 2012 NATIONAL RURAL HOUSING CONFERENCE



Scan this image using a QR Reader (<http://gettag.mobi>) on your smart phone to register online quickly and securely, directly from your phone!

Promises to Keep in Challenging Times

ABOUT HAC

The Housing Assistance Council (HAC) is a national nonprofit corporation established in 1971 to increase the availability of decent and affordable housing for rural low-income people. HAC provides below-market financing, technical assistance, training, research, and information services to the for-profit, nonprofit, and public sectors. HAC is governed by a 27-member board of directors. Board members include representatives of private industry, government, and public and nonprofit housing agencies at the national, state, and local levels. HAC is an equal opportunity lender.

Register online at www.ruralhome.org

CONFERENCE HIGHLIGHTS

BE INSPIRED

LEARN INNOVATIVE ORGANIZATIONAL AND HOUSING DEVELOPMENT STRATEGIES

Conference workshops and training sessions are organized in five learning tracks: Creating Affordable Housing Opportunities, Strengthening Organizational Capacity, Resources to Support Affordable Housing, Innovative Approaches and Current Housing Policy Issues, and USDA Section 502 training. (See workshop descriptions on pages 5-10.) Attendees will have the opportunity to participate in targeted learning series (listed on page 4). Network with fellow practitioners from across the country, hear policy and program updates from USDA and HUD staff, learn effective community outreach and client management strategies, and share proven affordable housing development tips and techniques.

PROMISES TO KEEP IN CHALLENGING TIMES

REMEMBERING PROMISES AND BUILDING TOWARD THE FUTURE

This year the conference theme -- *Promises to Keep in Challenging Times* -- brings to mind the vision and promises America has made through the Housing Act of 1949 and all subsequent housing legislation and policy. These promises of quality affordable housing, are still vitally important. But the country continues to face a difficult fiscal situation with many questions or concerns about what can be done to protect affordable housing in the future, particularly in rural areas. Keeping the vision and promises is important, not just to increase the quality of life for low-income Americans, but also to build stronger and more sustainable communities as a whole.

SPONSOR THE CONFERENCE

HELP RURAL NONPROFITS ACCESS THIS IMPORTANT TRAINING OPPORTUNITY

For rural nonprofits, the conference provides an excellent opportunity to not only learn critical skills but also network and improve their connection to federal agencies and national nonprofit organizations. For many of the attendees, this conference represents their sole opportunity during the year to connect with these important policy makers and experts.

In order to provide as many organizations as possible with this opportunity, HAC continually strives to lower registration costs for this event so local organizations with limited funding are still able to attend. Your contribution will be used to lower costs for all participants and improve the overall conference. Donate online at www.regonline.com/nrhc2012donor.

FOR MORE INFORMATION, CONTACT HAC

Phone 202-842-8600 ext. 137
Fax 202-347-3441
Email dan@ruralhome.org

ONLINE SPONSORSHIP FORM

To sponsor the Conference, go to www.regonline.com/nrhc2012donor, or scan this QR code to be linked directly to the site.



CONFERENCE AT-A-GLANCE

WORKSHOP KEY:  Green Building  Native American Housing  Preservation & Rental Housing  Self Help Housing  Senior Housing  Veterans Housing

WEDNESDAY, DECEMBER 05

9:00am–8:00pm **REGISTRATION/INFORMATION**
 9:00am–4:30pm **SECTION 502 TRAINING**
 10:00am–5:00pm **PRE-CONFERENCE MEETINGS**
 6:00pm–8:00pm **KICK-OFF RECEPTION**

THURSDAY, DECEMBER 6


7:00am–7:00pm **REGISTRATION/INFORMATION**
 10:30am–4:30pm **SECTION 502 TRAINING**
 8:00am–10:00am **OPENING PLENARY**
 10:30am–12:00pm **MORNING WORKSHOPS**
A1 Housing the Elderly
A2 Addressing the Challenges of Rural Homelessness for Veteran's and Families
A9 Overview of Drinking Water and Wastewater
B1 Survival of the Fittest: Tools for Tough Times
B2 Staffing Needs of an Organization – Recruitment, Development, Retention
C1 Partnering with Philanthropy
C2 Fee for Service: A Revenue Generating Strategy for Nonprofits
D1 Housing Counseling
D2 A New Direction for Manufactured Housing
 12:00pm–2:00pm **LUNCHEON PLENARY**
 2:30pm–5:30pm **AFTERNOON WORKSHOP**
A3 From Paper to Projects: Overview of Successful Rural Affordable Housing Development
A4 Green Acquisition Rehab/Resale
*B3 Building Blocks for Board Development**
B4 Connecting your Nonprofit in the Digital Age
B9 Septic System Basics for Homeowners, Community Leaders, Planners, and Realtors
C3 Measuring the Impact of Rural Housing Development
C4 Recent Changes to the HOME Program
D3 Innovative Construction Technologies:
D4 Sustainable Communities
 6:30pm–10:00pm **RURAL HOUSING AWARDS BANQUET**


FRIDAY, DECEMBER 7


7:00am–7:00pm **REGISTRATION/INFORMATION**
 10:30am–4:30pm **SECTION 502 TRAINING**
 8:00am–10:00am **BREAKFAST PLENARY**
HUD and USDA: The Nuts and Bolts
 10:30am–12:00pm **MORNING WORKSHOPS**
A5 Renting is a Two Way Street
A6 Preserving Rental Housing
B5 Financial Management and Compliance
B6 Advocacy for Rural Housing
C5 Alternative Financing Sources
C6 Rural Development's Sect. 502 and Sect. 504
C9 Homeownership and Home Repair Programs for Veterans and Seniors
D5 Green Affordable Homes and Job Creation
D6 Growing Smart and Staying Rural
 12:00pm–3:00pm **LUNCHEON PLENARY**
 3:30pm–6:00pm **AFTERNOON WORKSHOP**
*A7 Surviving the Transition to Energy Star 3.0**
A8 Construction Management
B7 Business Planning for Successful Nonprofits
*B8 How to Utilize Census Data to Advocate**
*C7 Let's Get Fiscal!**
C8 Financing Affordable Rental Projects
*D7 Aging in Place:**
*D8 Housing as Economic Development**
D9 Keeping Water Wells Safe

*** Workshop will run for 1.5 hours**


LEARNING SERIES

 Green Building Workshops
C2, A4, D5, A7

 Self-Help Housing
A9, B9, C5, D9

 Native American Housing
A2, A3, D5, B7

 Senior Housing
A1, A3, A6, C8

 Veteran Housing
A2, D1, C9, C8

 Rental Housing and Preservation Workshops
A1, A3, A6, C8

TWEET YOUR CONFERENCE EXPERIENCE

Follow HAC @RuralHome on twitter and join the conversation before the conference begins. Tag your tweets with #nrhc12 and connect with fellow attendees and presenters!



WORKSHOP DESCRIPTIONS

WORKSHOP KEY: 🌱 Green Building 🏠 Native American Housing 🏠 Preservation & Rental Housing 🏠 Self Help Housing 🏠 Senior Housing ⭐ Veterans Housing

THURSDAY, DECEMBER 6

MORNING WORKSHOPS

10:30 AM – 12:00 PM

TRACK A– STRATEGIES AND METHODS FOR DEVELOPING AFFORDABLE HOUSING

A1–Housing the Elderly: Keeping Our Promise to Rural Seniors 🏠 🏠

Rural America has a large and growing senior population, but also often lacks housing resources and capacity. In fact, most federal housing programs for the elderly have been cut in this current period of budget austerity. How are organizations meeting the growing need while adjusting to changes in HUD and USDA programs? Learn more about changing demographics, policy and advocacy at this workshop.

A2–Beyond the Four Walls: Addressing the Challenges of Rural Homelessness for Veterans and Families ⭐ 🏠

Housing is one of “the” most critical elements of survival. Never has there been a more concerted effort to address homelessness issues facing our Nation’s Veterans, children and families. Through this workshop, participants will explore the unique challenges faced by rural communities as well as innovative approaches, strategies, models and methods being utilized in rural communities to respond to those challenges.



HAC Board Member Representative Bennie Thompson (MS) opens the 2010 Conference with his keynote address.

MORE INFO ON THE CONFERENCE AND ONLINE REGISTRATION

For more on HAC’s 2012 National Rural Housing Conference visit www.ruralhome.org.

REGISTER ONLINE AT

www.regonline.com/nrhc2012

A9–Overview of Community Drinking Water and Wastewater Services

As a homeowner or developer of affordable housing, it is important that you are aware of how the vital services of drinking water and wastewater are provided in your community. This presentation will use non-technical language to explain drinking water and wastewater treatment and delivery. For drinking water, both ground water and surface water systems will be reviewed; for wastewater, centralized and onsite systems will be described. Information will be given on career opportunities in the water and wastewater industry, which offers secure employment with benefits, opportunities for advancement, and a sense of service to the community.

TRACK B– MANAGING EFFICIENT AND EFFECTIVE ORGANIZATIONS

B1–Survival of the Fittest: Tools for Tough Times

During tough economic times nonprofit housing organizations may feel squeezed between rising demands and falling resources. In order to survive, and thrive, your organization must be proactive in assessing and accepting the new economic reality and seek new opportunities wherever they may arise. Join us as we discuss how nonprofits can realign – from scaling back programs, to partnering with other agencies, to merging organizations. We’ll address a variety of approaches for nonprofit housing organizations of all shapes and sizes.

B2–Staffing Needs of an Organization – Recruitment, Development, Retention

Finding and keeping skilled staff can be a challenge – the statistics related to executive departures are startling, with an estimated 65 to 70 percent planning to retire in the next five to ten years. A panel of experts will share career development tools, succession planning, self-help and coaching, tapping into the existing talent in your community and providing learning opportunities for current staff members. Furthermore, panelists will also

WORKSHOP DESCRIPTIONS

WORKSHOP KEY: 🌱 Green Building 🏠 Native American Housing 🏢 Preservation & Rental Housing 🏡 Self Help Housing 🏡 Senior Housing ⭐ Veterans Housing

share information on dynamics of successful staffing and nurturing the next generation of rural housing and economic development leaders.

TRACK C- FUNDING AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

C1-Partnering with Philanthropy

Foundations, corporations and faith-based institutions have long been a source of support for affordable housing, but rural areas have gotten less. Is that getting better or worse? How do we keep up or acquire new support? How does rural America attract more philanthropy? Funders and other experts will provide their insights and advice, as well as describe their programs.

C2-Fee for Service: A Revenue Generating Strategy for Nonprofits 🌱

Presenters in this workshop will discuss how nonprofit organizations can generate revenue by requesting or requiring payment for services and products. The workshop will cover examples of “fee for service” models, implementation strategies and case studies from around the country.

IMPORTANT CONFERENCE DEADLINES

October 24

- Deadline to register for Section 502 training

November 9

- Deadline for Early Registration
- Deadline to submit Scholarship Application
- Deadline to request Pre-Conference Meeting space

November 13

- Deadline to make hotel reservations

November 13

- Deadline to pay HAC any balance due for registration
- Deadline to submit dietary and other special requirements



Hear from experts from across the country in more than 35 different workshops

TRACK D- INNOVATIVE APPROACHES AND CURRENT POLICY ISSUES

D1-Housing Counseling: Emerging Trends ⭐

Panelists will discuss emerging issues and trends for the housing counseling industry. Topics will include regulatory and policy updates on the implementation of the new Dodd/Frank Act counseling requirements for low income and first time home buyers as well as addressing foreclosure challenges and prevention programs that can help distressed homeowners including assistance for veterans.

D2-A New Direction for Manufactured Housing: How far have we come? Where do we go from here?

Manufactured homes have been an important source of housing in the United States for more than a half-century. As this unique form of housing continues to evolve, so does its delivery into rural markets. Over the past decade there has been a concerted effort by several entities to develop a manufactured housing “done right” model. National organizations, philanthropic foundations, and community based nonprofits are rethinking the way manufactured homes are built, sold, financed, and placed. What progress has been made as a result of this initiative, and what are the continued challenges with manufactured housing in rural America? The session will include a discussion on state of the manufactured housing industry, finance markets, nonprofit development, park preservation, resident rights, legislative initiatives, and regulatory developments for manufactured housing.

AFTERNOON WORKSHOPS

2:30 PM – 5:30 PM

TRACK A– STRATEGIES AND METHODS FOR DEVELOPING AFFORDABLE HOUSING

A3–From Paper to Projects: Overview of Successful Rural Affordable Housing Development 🏠🏡🏘️

This session will provide an overview from veteran builders, including how to nail down the concept, inspect feasibility, assemble the money, cement construction, and deliver renters or homebuyers.

A4–Green Acquisition Rehab/Resale 🌱

This workshop is intended for organizations undertaking an acquisition for resale. It will discuss new green technics in rehabilitation of existing units. Topics to be covered include: acquisition, health and safety issues, work write-ups, cost estimates, and constructions. Also, new materials and technics will be introduced and discussed.

TRACK B– MANAGING EFFICIENT AND EFFECTIVE ORGANIZATIONS

B3– Building Blocks for Board Development*

A successful nonprofit organization must have a responsible and engaged board of directors. This workshop will address fundamental nonprofit governance concepts including: board members' roles and responsibilities, board policies, and financial and legal oversight.

B4–Connecting your Nonprofit in the Digital Age

Does every organization need a Facebook page? Is Twitter right for your organization? Is your website effective, or do you need help building it? And how can rural organizations take advantage of the internet when broadband access is so spotty? Join a panel of experts that can answer these and many other questions. This interactive workshop will give you the chance to develop a digital marketing strategy that fits the needs of your organization.

B9–Septic System Basics for Homeowners, Community Leaders, Planners, and Realtors

This presentation will explain, in non-technical terms, how to select the appropriate onsite wastewater treatment system – siting, types of systems, their costs, operations and maintenance. The impacts of onsite wastewater (septic) systems on watersheds and well-water quality will be discussed as well as management options.



The Section 502 Packaging Training (page 13) provides experienced nonprofits with detailed training on this important USDA RD program.

TRACK C– FUNDING AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

C3–Assemble the Parade and Drum up Enthusiasm: Measuring the Impact of Rural Housing Development

Many of us know the value of our work in the community. Investors and supporters think they know the value of your work in the community but it is much more powerful when we can show it. Having an established method to collect and assess data that measures this value is a powerful tool. Participants will learn to anticipate which types of data they should collect, how to collect it and assess it and how to use it to improve productivity and show off their accomplishments.

C4–Recent Changes to the HOME Program

This workshop will explore the recent changes to the HOME Program including the eCon Planning Suite and reduced formula allocations. Panelists will discuss how the recent changes have impacted funding decisions, operating procedures, and the effect on rural communities. Best practices will illustrate how Participating Jurisdictions and Community Development Housing Organizations have adapted to effectively meet their community needs, including

housing needs of Veterans, seniors and families.

JOIN THE NATIONAL RURAL HOUSING CONFERENCE GROUP ON LINKEDIN

HAC has created a group for the conference on LinkedIn, a popular social networking website. This group will host discussion forums for attendees around workshop topics, focus areas, potential networking and serve a general meeting place before the meeting begins. Go to www.ruralhome.org for more information and to join.



* Workshop will run for 1.5 hours

WORKSHOP DESCRIPTIONS

WORKSHOP KEY:  Green Building  Native American Housing  Preservation & Rental Housing  Self Help Housing  Senior Housing  Veterans Housing

TRACK D– INNOVATIVE APPROACHES AND CURRENT POLICY ISSUES

D3–Innovative Construction Technologies: New and Proven Existing Technologies, Materials and Construction Alternatives

This session will provide updates on new construction technologies, ma-

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Visit **HAC on Facebook** and connect with other nonprofits and potential attendees.



terials and passive solar systems.

Adobe and straw bale construction

continue to be affordable regional alternatives. Panelists will discuss new and proven and affordable construction technologies, including manufactured housing alternatives in a new energy efficient and green environment.

D4–Sustainable Communities: Rural Perspective, Effective Strategies and Tools

‘Sustainable communities’ has as much meaning for rural and tribal communities as it does in urban and suburban areas. Come learn what this term and livability principles mean in a non-metro context. Learn from HUD, USDA and rural/tribal communities that have planned and implemented effective strategies, and used an array of tools for local stakeholders to determine how they want their communities and regions to be connected, viable and thrive. Key topics include: economic opportunity, transportation, housing, communications and public engagement, and broadband.ress has been made as a result of this initiative, and what are the continued challenges with manufactured housing in rural America? The session will include a discussion on state of the manufactured housing industry, finance markets, nonprofit development, park preservation, resident rights, legislative initiatives, and regulatory developments for manufactured housing.

FRIDAY, DECEMBER 6

MORNING WORKSHOPS

10:30 AM – 12:00 PM

TRACK A– STRATEGIES AND METHODS FOR

DEVELOPING AFFORDABLE HOUSING

A5–Renting is a Two Way Street

Do you struggle to find responsible tenants? Would you like to have a better relationship with your current tenants? Have you thought about implementing a renter education program? A strong tenant education program can help address your concerns by providing current and potential tenants with guidance on their responsibilities. Come hear from practitioners who provide practical education to help renters to both acquire and keep decent housing. The program reviews tenant responsibilities and the advantages to be gained from viewing the landlord-tenant relationship as mutually beneficial. In addition to reviewing the curriculum the presenters will also provide details on program administration and funding.

A6–Preserving Rental Housing in Challenging Times for Families and Seniors

Resources for updating and preserving USDA-financed rentals are shrinking but tenants, the majority of whom are elderly, still need their affordable rural rental homes. Panelists will discuss strategies for preservation in the current economic climate. The workshop will include examples of some recent successful preservation efforts.

TRACK B– MANAGING EFFICIENT AND EFFECTIVE ORGANIZATIONS

B5–Financial Management and Federal Compliance Issues for Nonprofit Organizations

Financial management is the constant process of tracking progress towards financial objectives and safeguarding the financial assets of an organization. Financial management is important to grantees and project sponsors administering federal programs for several reasons: it helps organizations budget for activities; it promotes sound and efficient operation of the organization and its programs; it serves the need for accountability to funding agencies and beneficiaries of the program(s); and it is required by law. This workshop will provide practical recommendations on managing program budgets by illustrating examples of best practices and financial tools needed to effectively manage grants and contracts. Financial management standards for governmental and nonprofit organizations (found in 24 CFR Parts 85 and 84) which include requirements and standards for internal controls, budget controls, accounting controls, and procurement will also be reviewed.

B6–Advocacy for Rural Housing

Making our case to policymakers and regulators has never been more important in this era of budget cuts and austerity. This workshop will feature both legislative staff and housing advocates, sharing their expertise and insights on how affordable housing practitioners can make the best case in the policy arena.

TRACK C– FUNDING AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

C5–Alternative Financing Sources: Obtaining Loan Fund Capital for Rural Housing Projects

Sequestration and budget cuts may affect some federal programs. Building affordable housing requires creative and alternative financing sources. This workshop will explore how organizations can leverage critical financing from CDFI's, CDE's, and Intermediaries to develop their rural housing projects. Participants will be provided an overview of financial products, eligibility criteria, and the process for applying for funding.

C6–Banking on USDA: Rural Development's Sect. 502 and Sect. 504 Financing for Homeownership and Repair

Presenters in this workshop will discuss how nonprofit organizations can generate revenue by requesting or requiring payment for services and products. The workshop will cover examples of "fee for service" models, implementation strategies and case studies from around the country.

C9–Homeownership and Home Repair Programs for Veterans and Seniors ★

Many rural veterans, especially seniors, own their homes but may need help with repairs and upkeep. Some may need new homes. Lacking financial resources and physical capacity, other older persons also need such help. Nationwide almost 1.5 million nonmetro homes are in moderately or severely substandard condition. In this session, national and local nonprofits will describe their successful repair and homeownership programs that serve veterans and the elderly.

TRACK D– FUNDING AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

D5–Building Green Affordable Homes and Job Creation 🏡🌱

Presentation will be by non-profits and tribal entities that build green affordable homes and have created jobs around construction. Presentation will have examples of what organization are doing such as YouthBuild, Solar Panel installation and other workforce training.

D6–Growing Smart and Staying Rural: Incorporating Smart Growth Principles into Rural Housing and Communities

Smart growth, a planning principle that concentrates on growth in compact, walkable centers, is often thought of solely in the urban context. In this workshop, learn how rural communities across the nation have shaken this notion and incorporated smart growth principles that maintain their rural character and protect their natural and working lands into planning their housing developments and communities.

AFTERNOON WORKSHOPS

3:30 PM – 6:00 PM

TRACK A– STRATEGIES AND METHODS FOR DEVELOPING AFFORDABLE HOUSING

A7–Surviving the Transition to Energy Star 3.0* 🌱

Green, energy efficient housing is everyone's goal; but, maintaining affordability is a growing challenge to many nonprofit developers. Join us as we provide an overview of the new requirements under the EPA's Energy Star Version 3.0 and hear ideas and strategies from a panel of nonprofit developers who are successfully navigating the new requirements and increasing the affordability of their units. Topics will include cost savings through construction materials and methods, new subsidy source ideas, and more.



HAC includes several interactive elements in the conference, such as this map of all attendees from across the U.S.

A8–Construction Management: Cost Estimating to Construction Coordination and Inspections

This workshop is intended for organizations undertaking an acquisition for resale. It will discuss new green technics in rehabilitation of existing units. Topics to be covered include: acquisition, health and safety issues, work write-ups, cost estimates, and constructions. Also, new materials and technics will be introduced and discussed.

TRACK B– MANAGING EFFICIENT AND EFFECTIVE ORGANIZATIONS

B7–Business Planning for Successful Nonprofits 🏡

This workshop will cover the how to's of business planning, along with

* Workshop will run for 1.5 hours

WORKSHOP DESCRIPTIONS

WORKSHOP KEY: 🌱 Green Building 🏠 Native American Housing 🏡 Preservation & Rental Housing 🏠 Self Help Housing 🏠 Senior Housing ★ Veterans Housing

the benefits and examples of successful business plans for small and large nonprofits. Presenters from small and large nonprofits will share how their organizations use business planning to attract and retain competent staff, attract diverse funding sources and deliver needed services to the community.

B8–Making the Case: How to Access and Utilize Census Data to Effectively Advocate*

One's position is only as strong as the information he or she uses to support it regardless of how worthwhile the endeavor. Making the case for housing assistance in rural America is no different. Understanding and presenting housing data effectively is a key element of advocating for those in need. The Census Bureau's American Community Survey (ACS), which provides annual census-tract level estimates of demographic, housing, economic and other important community characteristics, is a powerful tool that all advocates should be familiar with. This workshop will help familiarizing one with how to access data as well as present ways that the data can be used to most effectively advocate for rural housing needs.

TRACK C– FUNDING AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

C7–Let's Get Fiscal!*

Let's Get Fiscal is not your typical fundraising workshop. Designed to energize and empower participants with greater resource development confidence and efficacy, Let's Get Fiscal includes an in-depth, real-world approach to successful fundraising from a rural nonprofits point of view. Let's Get Fiscal covers a broad range of information from the basic fundamentals of successful fundraising to unique and distinctive fundraising campaign ideas designed to get participants engaged and ready to fundraise! Don't miss this opportunity to build your organization's fundraising muscle!

C8–Financing Affordable Rental Projects 🏠 ★

This workshop will explore the recent changes to the HOME Program including the eCon Planning Suite and reduced formula allocations. Panelists will discuss how the recent changes have impacted funding decisions, operating procedures, and the effect on rural communities. Best practices

will illustrate how Participating Jurisdictions and Community Development Housing Organizations have adapted to effectively meet their community needs, including housing needs of veterans, seniors and families.

TRACK D– INNOVATIVE APPROACHES AND CURRENT POLICY ISSUES

D7–Aging in Place: Housing and Services for a Growing Elderly Population* 🏠

So you've heard about the growing senior population. You have begun or expanded development, preservation, and repair programs for elderly housing. But is that enough? For seniors to age in place they need services. Can your organization provide both the housing and services? Hear from your peers on how they did it and why it is important.

D8–Affordable Housing as Economic Development: How Housing People Can Lead to a Stronger Economy*

Affordable housing can do more than provide safe, secure homes to those in need. Communities have been able to maximize their housing infrastructure projects to create a better quality of life for their residents, while also creating a stronger local economy. Learn about how affordable housing projects can be used to strengthen economic development and mixed-use projects in rural settings.

D9–Keeping Water Wells Safe: Guidance for Owners

This workshop will inform homeowners and developers of affordable housing who use private wells on what is necessary to assure and maintain safe water quality, including: determining household needs; selecting a well driller and what to expect during construction and testing of your well; water-sampling techniques; interpreting test results; developing a plan to mitigate contamination problems; correcting poor well design; addressing equipment failure; making equipment upgrades.



The Conference provides an excellent opportunity for networking with fellow participants

* Workshop will run for 1.5 hours

RURAL HOUSING AWARDS BANQUET

On Thursday, December 6, 2012, HAC will acknowledge rural housing leaders whose efforts have led to improved housing in rural America. The Cochran/Collings Award for Distinguished Service in Housing for the Rural Poor honors individuals who have provided outstanding and enduring service, with national impact, for the betterment of housing conditions for the rural poor. The Skip Jason Community Service Award recognizes individuals whose efforts have improved the housing conditions of the rural poor in their communities. There is still time to nominate someone who has made a difference in your work. For more information, contact Lilla Sutton at HAC, lilla@ruralhome.org, 202-842-8600 ext. 113.

NATIONAL SERVICE AWARD

The Cochran/Collings Award for Distinguished Service in Housing for the Rural Poor honors individuals who have provided outstanding and enduring service, with national impact, for the betterment of housing conditions for the rural poor, with emphasis on the poorest of the poor in the most rural areas.

COMMUNITY SERVICE AWARD

The Skip Jason Community Service Award recognizes people whose efforts have improved the housing conditions of the rural poor in their communities. The award acknowledges people who work “in the trenches” and usually go unrecognized outside their communities.



For more information, go to www.ruralhome.org or contact lilla@ruralhome.org

CONFERENCE INFORMATION

HOTEL

All attendees are responsible for arranging their own accommodations. A block of rooms has been reserved at the **Hyatt Regency Washington on Capitol Hill** located at 400 New Jersey Avenue Northwest, Washington, D.C., at the federal per diem rate (single room), excluding taxes. This rate will be available for conference participants on or before November 13. You can make a reservation at this rate by clicking on the convenient **Hyatt Regency Washington reservations link** on HAC's web site at www.ruralhome.org. If you prefer, you can make your reservation by calling 202-737-1234 before November 13 and letting the agent know you are with the Housing Assistance Council.

After November 13, reservations will be accepted on a space- and rate-available basis only. This room block will sell out, so please reserve your room as soon as possible. All room cancellations must be made 72 hours in advance directly with the Hyatt Regency Washington to avoid penalties.

ROOMMATES

HAC is maintaining a roommate list to help participants reduce conference expenses. If you would like to have your name and contact information shared with other registrants, please check the appropriate box on the registration form. *Conference attendees are responsible for making their own hotel arrangements.*

PAYMENT

Register by November 9 to save money and help secure your workshop choices. Registration includes all workshops and plenary sessions, all conference materials, two breakfasts, two lunches, all breaks, a networking reception, and the awards banquet. If you are requesting a scholarship, please register online at www.ruralhome.org. For fast processing, submit registration with payment or credit card authorization. Registrations will not be processed until payment is received.

REFUND POLICY

There is a \$50 cancellation fee. Refunds will be granted if a written request is submitted and received by HAC on or before November 20. After November 20 no refunds will be granted but substitute registrants are welcome. There are no refunds for no-shows.

All travel arrangements are the full responsibility of the conference registrant.

TRAVEL TO CONFERENCE

Ronald Reagan Washington National Airport (4.7 miles), Dulles International Airport (27.6 miles), and Baltimore/Washington International Thurgood Marshall Airport (30.6 miles) service the Washington, D.C. area. The following transportation options are available.

From Ronald Reagan National Airport

| | |
|-----------------------|---|
| Taxi | Taxis are available outside the baggage claim area; fare is approximately \$20 (10-20 min.). |
| Metro (Subway) | Take the Yellow/Blue line from the airport to the Gallery Place/Chinatown stop. Transfer to the Red line toward Glenmont to Union Station (2nd stop). Hotel is located three blocks from the Union Station Metro Stop. Fare is approximately \$2.05-\$3.70 (30 min.). |
| Shuttle* | Approximate fare is \$14 one-way. |

From Dulles International Airport

| | |
|-----------------|--|
| Taxi | Taxis are available on the lower level outside baggage claim. Fare is approximately \$60 one-way (50-60 min.). |
| Shuttle* | Approximate fare is \$26 one-way. |

From BWI/Thurgood Marshall Airport

| | |
|-------------------|---|
| Taxi | Taxis are available on the lower level outside baggage claim. Fare is approximately \$63 (1 hour). |
| MARC Train | This is a commuter train from BWI to Union Station, which is three blocks from the hotel. Approximate cost is \$7 one way. The MARC train runs weekdays only. For complete schedules and fares visit www.mtmaryland.com/services/marc/ . |
| Shuttle* | Approximate fare is \$37 one-way. |

From Union Station / Amtrak

| | |
|-----------------------|--|
| Metro (Subway) | Hotel is located 3 blocks away. Follow exit signs to get to the front of Union Station Washington, DC. Take E Street (between the semi-circle of flags) to the intersection of E Street, NW and New Jersey Ave, NW. The hotel will be directly in front of you |
|-----------------------|--|

*** Shuttle reservations can be made by calling 800-Blue-Van (800-258-3826) or online at www.supershuttle.com**

SCHOLARSHIPS

Scholarship funds are available to cover registration costs for representatives of community-based organizations who would otherwise be unable to attend the conference. Scholarship applications will only be accepted through online registration. Please **register online** at www.regonline.com/nrhc2012. Scholarship applications must be received at HAC on or before November 8. HAC will cease awarding scholarships once funds are no longer available, so apply early. HAC will award multiple scholarships to staff from the same organization depending on the availability of funds. Travel scholarships may also be provided, if available.

EXHIBIT SPACE

Exhibit space is limited. Exhibitor fees are \$500 for nonprofit organizations and \$750 for all others. Exhibitors will be provided with a 6' x 2 1/2' skirted table. To obtain exhibitor information and a registration form, please call 202-842-8600 ext. 127 or visit HAC's Conference donation website at www.regonline.com/nrhc2012donor and complete the exhibitor form there.

PRE-CONFERENCE MEETING SPACE

Groups wishing to convene meetings on Wednesday, December 5, 2012 should contact Dan Stern, Conference Coordinator by November 5 at 202-842-8600 ext. 137 or dan@ruralhome.org regarding space availability. Space is allocated on a first-come, first-served basis.

MORE INFO AND ONLINE REGISTRATION

For more on **HAC's 2012 National Rural Housing Conference** visit www.ruralhome.org.

REGISTER ONLINE AT

www.regonline.com/nrhc2012



dan@ruralhome.org



(202) 842-8600 ext. 137

SECTION 502 PACKAGING TRAINING FOR NONPROFIT ORGANIZATIONS

This three-day advanced course covers USDA Rural Development's Section 502 Direct Loan Program and provides invaluable insight as to how this homeownership financing resource can be utilized. Learn how to assist potential borrowers and work in partnership with RD staff, as well as other nonprofit organizations and regional intermediaries to deliver successful Section 502 loan packages. This course is intended for and specifically framed for those experienced in utilizing Section 502. Participants will learn regulations and practical applications of the loan program, while developing a strong understanding of 502 direct underwriting and packaging standards. Following the course, participants are encouraged to take the online certification exam. Plan to arrive on Tuesday, December 4. Bring your laptops



REGISTRATION FORM

PAGE 1 OF 2

Register online at www.regonline.com/nrhc2012! HAC accepts all forms of payment online including credit cards, checks, purchase orders, and scholarship applications.

Please complete one form per person. We encourage you to register online at www.ruralhome.org. If you use a hard copy of the form to register, please photocopy for additional attendees. Confirmations will be sent via e-mail for paid registrations received by November 14.

REGISTER ONLINE AT WWW.REGONLINE.COM/NRHC2012

ABOUT YOU

| | |
|------------------|----------------|
| Name | |
| Title | Organization |
| Address | |
| City, State, Zip | |
| Phone, Fax | Email, website |

Conference Role (check all that apply)

☐ Conference Sponsor

☐ Participant

☐ Exhibitor

☐ Speaker / Moderator

If speaker/moderator, specify Session(s) _____

EVENTS

Check all conference events you plan to attend. All events are included in the conference registration fee.

☐ Kick-Off Reception, Wednesday, Dec 5

☐ National Rural Housing Coalition Lunch, Thursday, Dec 6

☐ Rural Housing Awards Banquet, Thursday, Dec 6

☐ Final Lunch Plenary, Friday, Dec 7

CONFERENCE SCHOLARSHIP

A limited number of scholarships to cover registration expenses are available for conference attendees. Attendees wishing to apply for a scholarship must register for the conference online at www.regonline.com/nrhc2012. Please note that only representatives of nonprofit community-based organizations may apply for scholarships. All presenters are entitled to a registration scholarship.

Scholarship applications are only accepted online at www.regonline.com/nrhc2012. If you have difficulty accessing the internet, contact Dan Stern (202) 842-8600.

WORKSHOPS

Indicate the workshop number of your first choice for each time period. Your preferences will help determine room size needs. See pages 4-11 for workshop numbers and descriptions.

WEDNESDAY (insert workshop number)

_____ Section 502 Training

THURSDAY (insert workshop number)

_____ Section 502 Training

_____ Early, 10:30 – 12:00

_____ Late, 2:30 – 5:30

FRIDAY (insert workshop number)

_____ Section 502 Training

_____ Early, 10:30 – 12:00

_____ Late, 2:30 – 5:30

REGISTRATION FORM

PAGE 2 OF 2

MEALS & SPECIAL EVENTS

The main conference includes all breaks, two continental breakfasts, one sit-down breakfast, two luncheons, the kick-off reception, and the rural housing awards banquet. There is a \$85 per person fee for additional tickets for the awards banquet.

Check all that apply.

☐ Share my name and contact information with other conference attendees who are looking for hotel roommates.

☐ I require vegetarian meals.

☐ I require Special Assistance (HAC will follow up to clarify).

If you have other special needs or dietary requirements, please contact HAC at 202-842-8600 ext. 137 or via e-mail at dan@ruralhome.org by November 8, 2012.

FEE SCHEDULE

Early Bird (register by Nov 9) **Regular** (register after Nov 9) **Total**

| Registration (check one) | | | |
|---|------------------|-------|-----------|
| <input type="checkbox"/> Nonprofit | \$395 | \$435 | \$ |
| <input type="checkbox"/> For-profit | \$450 | \$500 | \$ |
| Exhibitor Fee | | | |
| <input type="checkbox"/> Nonprofit Organization | \$500 | | \$ |
| <input type="checkbox"/> Other Organization | \$750 | | \$ |
| Additional Award Banquet Tickets | \$85 each x ____ | | \$ |
| TOTAL AMOUNT DUE | | | \$ |

Register online at www.ruralhome.org. HAC accepts all forms of payment including credit cards, checks, purchase orders and scholarship applications.

PAYMENT OPTIONS

☐ Check or money order, payable to the Housing Assistance Council, is enclosed – Check # _____

☐ Purchase Order # _____

☐ Invoice is needed

☐ Charge my credit card

☐ Amex

☐ MasterCard

☐ Discover

☐ Visa

Credit card #

Name on card

Cardholder signature

Mail completed registration and payment to:

HACs 2012 National Rural Housing Conference
Housing Assistance Council
1025 Vermont Avenue NW, Suite 606
Washington, DC 20005

or fax with purchase order or credit card information to:

202-347-3441

Or visit www.regonline.com/nrhc2012 to register and pay online.



Housing Assistance Council
1025 Vermont Avenue, N.W.
Suite 606
Washington, DC 20005

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Standard
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Permit #764
Lubbock, TX



REGISTER ONLINE AT WWW.REGONLINE.COM/NRHC2012



National

1025 Vermont Avenue, NW
Suite 606
Washington, DC 20005
202-842-8600
202-347-3441 FAX
hac@ruralhome.org

Southeast

600 West Peachtree St, NW
Suite 1500
Atlanta, GA 30308
404-892-4824
404-892-1204 FAX
southeast@ruralhome.org

Southwest

3939 San Pedro, NE
Suite C7
Albuquerque, NM 87110
505-883-1003
505-883-1005 FAX
southwest@ruralhome.org

Midwest

10100 North Ambassador
Drive
Suite 310
Kansas City, MO 64153
816-880-0400
816-880-0500 FAX
midwest@ruralhome.org

West

717 K Street, Suite 404
Sacramento, CA 95814
916-706-1836
916-706-1849 FAX
western@ruralhome.org

Web www.ruralhome.org
Twitter @RuralHome



Intertribal Timber Council

BOARD OF DIRECTORS

President Philip Rigdon, Yakama Nation; Vice President Jonathan Brooks, White Mountain Apache; Secretary Theron Johnson, Confederated Tribes of the Warm Springs Indian Reservation of Oregon; Treasurer Timothy P. Miller, Grand Portage Band of Lake Superior Chippewa BOARD MEMBERS: Sylvia Peasley, Colville; James "Bing" Matt, Confederated Salish & Kootenai Tribes; Larry Blythe, Eastern Band of Cherokee Indians; Leonard Masten, Jr., Hoopa; Brooklyn Baptiste, Nez Perce; James Sellers, Quinault; Vernon Stearns, Jr., Spokane Tribe

Scholarship Announcement For Native American/Alaskan Natural Resource Students

Deadline: January 18, 2013, 5:00 p.m. PST

Award: \$2,000 for college students (number of awards varies per year)
\$1,500 for graduating senior high school students

Purpose: The **Truman D. Picard Scholarship Program** is dedicated to the support of Native American students pursuing a higher education in Natural Resources.

Required Material: The Education Selection Committee will review and rank only those applicants who completely address each area. Please be specific. Incomplete applications will not be considered.

1. **Letter of Application:** The letter must include your name, permanent mailing address, email address if available, and phone number. It should be a maximum of two pages in length, and discuss the following:
 - a. Interest in natural resources.
 - b. Commitment to education, community and your culture.
 - c. Financial need. Students who have completed the Free Application for Federal Student Aid (FAFSA) should attach the Student Aid Report or have the report sent to the ITC office. If it has not been completed, send last year's report.
2. **Resume**
3. Three signed **letters of reference**, on letterhead and dated within the last six months.
4. **Evidence of validated enrollment** in a federally recognized tribe or Alaska Native Corporation, as established by the U. S. Government. A photocopy of your enrollment card, front and back, or Certificate of Indian Blood (CIB) will suffice.
5. **Transcripts:** ALL students must include transcripts.
 - High school students must also provide documented proof of acceptance to an institution of higher education and a review of college class schedule to verify major before a check is released.
 - College students must also provide proof of their declared major.

All requested information **MUST** be received by the close of business (5:00 p.m.PST) **January 18, 2013** for consideration. For more information, please visit our website www.itcnet.org. Fax (503-282-1274) and e-mail (itc1@teleport.com) submissions are acceptable as long as we receive them by 5:00 p.m. January 18, 2013, and the original is mailed and postmarked by January 18, 2013.

Inquiries and applications should be directed to the Intertribal Timber Council office:

ATTN: EDUCATION COMMITTEE
INTERTRIBAL TIMBER COUNCIL
1112 N. E. 21st Avenue, Suite 4
Portland, Oregon 97232-2114
(503) 282-4296

The Intertribal Timber Council (ITC) has cooperative financial aid agreements with the University of Washington and Salish Kootenai College. Recipients of the ITC Truman Picard Scholarship are eligible to receive additional scholarships including tuition waivers, if attending one of these two colleges. For more information, visit the ITC website or contact the colleges directly.

TRUMAN D. PICARD (1946-1986)

To honor Truman D. Picard the Intertribal Timber Council (ITC) established a scholarship program in his name. Truman served on the ITC Board of Directors from 1982 to 1985. While working for the Bureau of Indian Affairs, Colville Agency (Nespelem, Washington), in presales he attended the Forest Engineering Institute at Oregon State University becoming one of the first people from the agency to complete this program. In 1977, Truman transferred to the Colville Tribal Forestry organization taking a position as Supervisory Forest Technician in charge of woods operations. Later he was promoted to Assistant Supervisor of Forestry Operations.

Because of his drive and determination to complete his education Truman returned to Oregon State University earning a Bachelor of Science Degree in Forest Management.

Upon his return from college, he was appointed Director of Colville Tribal Forestry. His work for the Tribe will always be remembered by his individual efforts to bring BIA Forestry and Colville Tribal Forestry together in a joint effort to improve the level of Forest Management on the reservation – truly a lasting legacy.

1112 N.E. 21st Avenue, Suite 4 • Portland, OR 97232-2114 • (503) 282-4296 • FAX (503) 282-1274

E-mail: itc1@teleport.com • www.itcnet.org