II. Other Matters

A. HUD Reform Act

1. Required Disclosures by Applicants

a. Disclosures. All applicants are required to disclose information with respect to any additional funds that can reasonably be expected to be received by them as assistance in excess of \$200,000 (in the aggregate) during the Fiscal Year that will be related to the project. Disclosure must be made relative to any related assistance from the Federal instrumentalities (other than HUD), a state, or a unit of general local government that is expected to be made available with respect to the project for which the applicant is seeking assistance. The assistance shall include but not be limited to any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

b. Updates. The IHA applicant shall update this disclosure within 30 days of any substantial change. This update is required during the period when an application is pending or assistance is being provided.

2. Prohibited Disclosures by HUD Employees

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to this funding competition. The requirements of the rule continue to apply until the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number). The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her FONAP counsel, or headquarters counsel for the Indian Housing Development program.

B. Lobbying

Section 319 of the Department of the Interior and Related Agencies Appropriations Act hereafter referred to as the "Byrd amendment," prohibits grantees from using any federally appropriated funds to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts. The Department has determined that the requirements of the Byrd amendment do not apply to IHAs established by a tribal government exercising its sovereign powers with respect to expenditures specifically permitted by other Federal law. The Byrd amendment requires all IHAs established under state law to submit the following documents for applications for grants exceeding \$100,000.

1. Certification. A certification that no federal appropriated funds will be used for lobbying purposes. The certification shall be submitted on the Form entitled "Certification for Contracts, Grants, Loans and Cooperative Agreements".

2. Disclosure Document. A document disclosing any lobbying activities (on Standard Form—LLL, "Disclosure of Lobbying Activities") where any funds other than federally appropriated funds will be or have been used to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

C. Conversions

During the first 24 months after Program Reservation, project conversion between program type (LR or MH) may only be considered where:

1. An IHA submitted projects for mutual help (MH) and low rent (LR), each scored high enough to be funded, and the IHA has the waiting list to support the conversion, or

2. If only one application was submitted and approved, the application upon re-ranking in the other program has to score at least 0.01 higher than the number of points achieved by the highest rated application from any IHA which was not funded. If neither circumstance exists, the request to convert will not be approved.

D. Errors in Ranking and Rating Fiscal Year 1994

1. Errors made by a FONAP during the 1994 fiscal year rating and ranking that resulted in a change of rank order detrimental to an IHA may be corrected as follows:

a. The FONAP will construct a hypothetical distribution that would have existed if the error had not been made, and

b. The FONAP will determine what the unit award/funding would have been for the IHA subject to the funds that were available at the time.

2. Remedial action will be taken for errors made by a FONAP as follows:

a. The FONAP will deduct any funds needed from the FY 1995 fair share assigned to that FONAP before any FY 1995 rating and rankings are completed.

b. A correction of an error for an IHA will not adversely affect the IHA participation on the FY 1995 rating and ranking process. The IHA's application will be rated and ranked on the same basis as other applications and as if no error was made.

E. Environment

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U. S. C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

F. Other Federal Requirements

In order to be eligible for funding, activities must be in compliance with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8 and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations for Title II of the ADA issued by the Department of Justice at 28 CFR 35.

Dated: December 14, 1994.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.