

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4170-N-03]

**Native American Housing Block Grant
Program—Notice of Transition
Requirements and Negotiated
Rulemaking**

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

ACTION: Notice of transition requirements and negotiated rulemaking.

SUMMARY: This notice implements that part of section 106 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Pub. L. 104-330, approved October 26, 1996) which requires HUD to publish a notice establishing requirements necessary to provide for the transition from the provision of assistance for Indian tribes and Indian housing authorities under the United States Housing Act of 1937 (the 1937 Act) and other related provisions of law to the provision of assistance in accordance with NAHASDA. It also provides notice of the negotiated rulemaking process for the development of regulations necessary to implement the program.

DATES: IHP submission date: Indian Housing Plans must be submitted no later than June 1, 1997.

Comment due date: February 26, 1997.

Nomination for committee membership date: February 26, 1997.

Effective date of NAHASDA section 701(c): October 1, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500.

Communications should refer to the above docket number and title.

Facsimile (FAX) comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Dominic Nessi, Deputy Assistant Secretary for Native American Programs, Office of Native American Programs, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO; telephone (303) 675-1600 (voice) or 1-800-877-8339 (TTY for speech or hearing impaired individuals). These are not toll-free

numbers. Indian tribes or tribally designated housing entities with specific questions relating to the preparation of Indian Housing Plans as required by this notice may call their local Office of Native American Programs for assistance in resolving their questions. The telephone numbers and addresses for these Offices appear in a table published in section II. of this notice, below.

SUPPLEMENTARY INFORMATION:

I. General Statutory and Regulatory Background

The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Pub. L. 104-330, approved October 26, 1996) reorganizes the system of Federal housing assistance to Native Americans by eliminating several separate programs of assistance and replacing them with a single block grant program. Beginning on October 1, 1997, the first day of the 1998 fiscal year (FY), a single block grant program will replace assistance previously authorized under the United States Housing Act of 1937; the Indian Housing Child Development Program under Section 519 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z-6 note); the Youthbuild Program under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.); the Public Housing Youth Sports Program under section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a); the HOME Investment Partnerships Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.); and housing assistance for the homeless under title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) and the Innovative Homeless Demonstration Program under section 2(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note). In addition to simplifying the process of providing housing assistance, the purpose of NAHASDA is to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance.

Section 106 of NAHASDA sets out the general procedure for the implementation of the Native American Housing Block Grant Program. The procedure calls for the publication of a notice in the Federal Register not later than 90 days after enactment. The notice must satisfy three requirements. First, it must establish any requirements necessary to provide for the transition from the provision of assistance for

Indian tribes and Indian housing authorities under the United States Housing Act of 1937 and other related provisions of law to the provision of assistance in accordance with NAHASDA. Second, the notice must include a general notice of proposed rulemaking (for purposes of section 564(a) of title 5, United States Code) of the final regulations to carry out NAHASDA. Finally, the notice is to invite public comments regarding the transition requirements and final regulations to carry out the new legislation. Except for the request for comments, which requires no further elaboration, these requirements are addressed in separate sections of this notice below.

On January 7, 8, 9, 14, 15, and 16, a series of meetings was held with tribal representatives and HUD staff in the National Office of HUD's Office of Native American Programs to discuss the regulatory implementation of NAHASDA. These meetings were preliminary to the formal negotiated rulemaking to be initiated under this notice following the 30-day comment period. The January meetings provided a valuable exchange of ideas that will assist in focusing the efforts of the negotiated rulemaking committee.

II. Transition Requirements

The transition requirements that are necessary are those that relate to the initial distribution of funding under the new legislation and those that provide guidance for the treatment of activities and funding under programs repealed by NAHASDA. Although final regulations are required to be issued not later than September 1, 1997, the "old" system of funding expires on October 1, 1997, the first day of Fiscal Year 1998, and Indian Housing Plans (IHPs), which are a prerequisite for any distribution of funds under NAHASDA, must be submitted before the block grant funding is provided. To ensure that there is sufficient time for tribes to prepare their IHPs, and for HUD to review them, the requirements for the information that must be included in IHPs and the timetable for their submission are a focus of the transition requirements in this notice. Similarly, providing guidance for the treatment of activities and funding under programs repealed by NAHASDA permits tribes and IHAs to have the greatest amount of time available under the new law to consider and prepare for the transition from the "old" programs to the new Indian Housing Block Grant Program.

Both the IHP transition requirements and those that provide guidance for the treatment of activities and funding

under programs repealed by NAHASDA are set out in a Question and Answer format and follow below in this section II of the notice. It is important to note that any final regulations issued under NAHASDA may differ in some respects from these transition requirements, and comment is specifically invited on these transition requirements and how they may be improved. Based upon comments and concerns brought to the attention of the Department, HUD may also issue a supplemental notice with additional transition guidance and requirements.

Question 1. How is funding made available under NAHASDA?

Answer 1. Under NAHASDA, funding is made available for affordable housing activities on an annual basis, and is distributed each fiscal year according to an allocation formula on behalf of Indian tribes who submit an Indian Housing Plan (IHP) that is reviewed and approved by HUD. Unlike other programs, NAHASDA funds are not awarded on a competitive basis in which applications are given scores and are then funded in rank order so that only the highest scoring applications are funded. Every tribe, or entity designated by a tribe, that submits an IHP which complies with the necessary requirements is awarded a block grant which is a share of the available funds. The size of the share is determined by the allocation formula. The award is called a *block grant* because the recipient receives a single "block" of funds that may be used for any eligible affordable housing activities in accordance with the tribe's IHP.

Question 2. Who may submit an IHP to apply for a block grant?

Answer 2. An IHP may be submitted by an Indian tribe or, if specifically empowered by the recognized tribal government, by the tribally designated housing entity for the tribe. A *tribally designated housing entity* (TDHE) is an entity other than the tribal government which is authorized by the Indian tribe to receive the block grant amounts and provide assistance according to the requirements of NAHASDA. If a tribe does not specifically authorize an entity to act as its tribally designated housing entity, the tribe's Indian housing authority (HA) under the United States Housing Act of 1937, if there is one on the date of NAHASDA's enactment, is the tribe's TDHE.

When an IHP is submitted on behalf of a tribe by its TDHE, the IHP must contain a certification by the recognized tribal government that either (1) The tribe has had an opportunity to review the IHP and has authorized its submission by the TDHE, or (2) the tribe

has delegated to the TDHE the authority to submit an IHP without prior review by the tribe.

An IHP submitted by a TDHE may cover more than one Indian tribe, but only if the IHP contains the certification described in the paragraph above from each tribe covered by the IHP. This option provides additional flexibility by permitting several tribes to agree to have their affordable housing activities administered by a single TDHE for reasons of greater economy or increased efficiency, or for any other reason.

Question 3. What information must be included in an IHP?

Answer 3. Every IHP consists of two parts, a 5-year plan and a 1-year plan, each of which is discussed separately below.

The 5-year plan must contain the following information for the 5-year period beginning with the fiscal year (FY) for which the plan is submitted (for the first IHP submission under the transition requirements of this notice, the five fiscal years covered are 1998, 1999, 2000, 2001 and 2002):

(a) *Mission Statement*—A general statement of the mission of the Indian tribe to serve the housing needs of the low-income families in the jurisdiction of the Indian tribe during the 5-year period.

(b) *Goals and Objectives*—A statement of the goals and objectives of the Indian tribe to enable the tribe to serve the needs identified in the Mission Statement during the 5-year period.

(c) *Activities Plan*—An overview of the housing activities, including the NAHASDA-eligible affordable housing activities, planned during the 5-year period with an analysis of the manner in which the activities will enable the tribe to meet its mission, goals, and objectives.

The 1-year plan must contain the following information relating to the upcoming fiscal year (FY 1998 for purposes of the first IHP submission under the transition requirements of this notice):

(a) *Goals and Objectives*—A statement of the goals and objectives to be accomplished during FY 1998, including the NAHASDA-eligible affordable housing activities.

(b) *Statement of Needs*—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe and the means by which such needs will be addressed during FY 1998, including:

(1) A description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the

geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

(2) A description of the estimated housing needs for all Indian families in the jurisdiction.

(c) *Financial Resources*—An operating budget for the recipient that includes:

(1) An identification and a description of the financial resources reasonably available to the recipient to carry out the NAHASDA-eligible affordable housing activities described in the IHP, including an explanation of the manner in which amounts made available will leverage additional resources; and

(2) The uses to which such resources will be committed, including eligible affordable housing activities and administrative expenses. (Section 101(h) of NAHASDA requires HUD, by regulation, to authorize each recipient to use a percentage of any grant amounts received for any reasonable administrative and planning expenses of the recipient relating to carrying out NAHASDA and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts and expenses of preparing an IHP. This regulation will be developed by the negotiated rulemaking committee who will be proposing to HUD the percentage of grant amounts to be used for planning and administrative expenses.

(d) *Affordable Housing Resources*—A statement of the affordable housing resources currently available and to be made available during FY 1998, including:

(1) A description of the significant characteristics of the housing market in the tribe's jurisdiction, including the availability of housing from other public sources, private market housing, and the manner in which such characteristics influence the decision of the recipient to use grant amounts for rental assistance, production of new units, acquisition of existing units, or rehabilitation of units;

(2) A description of the structure, coordination, and means of cooperation between the recipient and any other governmental entities in the development, submission, or implementation of housing plans, including a description of the involvement of private, public, and nonprofit organizations and institutions, and the use of loan guarantees under section 184 of the Housing and Community Development Act of 1992, and other housing assistance provided by the Federal Government for Indian

tribes, including loans, grants, and mortgage insurance;

(3) A description of the manner in which the plan will address the needs identified in the Statement of Needs in the 1-year plan required by paragraph (b), above;

(4) A description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between HUD and an Indian housing authority pursuant to the United States Housing Act of 1937;

(5) A description of any existing and anticipated homeownership programs and rental programs to be carried out during FY 1998, and the requirements and assistance available under such programs;

(6) A description of any existing and anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during FY 1998, and the requirements and assistance available under such programs;

(7) A description of all other existing or anticipated housing assistance provided by the recipient during FY 1998, including transitional housing, homeless housing, college housing, supportive services housing, and the requirements and assistance available under such programs;

(8) A description of any housing to be demolished or disposed of, and a timetable for such demolition or disposition;

(9) A description of the manner in which the recipient will coordinate with tribal and State welfare agencies to ensure that residents of such housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

(10) A description of the requirements established by the recipient to promote the safety of residents of such housing, facilitate the undertaking of crime prevention measures, allow resident input and involvement, including the establishment of resident organizations, and allow for the coordination of crime prevention activities between the recipient and tribal and local law enforcement officials; and

(11) A description of the entity that will carry out the activities under the IHP, including the organizational capacity and key personnel of the entity.

(d) *Certifications of compliance*—The IHP must include the following certifications:

(1) A certification that the recipient will comply with title II of the Civil Rights Act of 1968 in carrying out

activities funded by NAHASDA, to the extent that such title is applicable, and other applicable Federal statutes;

(2) A certification that the recipient will maintain adequate, meaning sufficient to cover replacement costs, insurance coverage for housing units that are owned and operated or assisted with grant amounts;

(3) A certification that policies are in effect and are available for review by HUD and the public governing:

(i) The eligibility, admission, and occupancy of families for housing assisted with grant amounts;

(ii) Rents charged, including the methods by which rents or homebuyer payments are determined, for housing assisted with grant amounts;

(iii) The management and maintenance of housing assisted with grant amounts provided under this Act;

(4) If an IHP is submitted on behalf of a tribe by its tribally designated housing authority (TDHE), the IHP must contain a certification by the recognized tribal government that either:

(i) The tribe has had an opportunity to review the IHP and has authorized its submission by the TDHE, or

(ii) The tribe has delegated to the TDHE the authority to submit an IHP without prior review by the tribe;

(5) If an IHP that covers more than one Indian tribe is submitted by a TDHE, each tribe covered by the IHP must submit as part of the IHP the certification described in paragraph (4), immediately above;

(6) A certification that the governing body of the locality within which any affordable housing to be assisted with the grant amounts will be situated has entered into, or has begun negotiations, which must be completed before any award of NAHASDA funds can be made, to enter into, a local cooperation agreement with the recipient for the tribe providing that:

(i) The affordable housing assisted with grant amounts received by the recipient (exclusive of any portions not assisted with amounts provided under NAHASDA) is exempt from all real and personal property taxes levied or imposed by any State, tribe, city, county, or other political subdivision; and

(ii) The recipient makes annual payments of user fees to compensate such governments for the costs of providing governmental services, including police and fire protection, roads, water and sewerage systems, utilities systems and related facilities, or payments in lieu of taxes to such taxing authority, in an amount equal to the greater of \$150 per dwelling unit or 10 percent of the difference between the

shelter rent and the utility cost, or such lesser amount as:

(A) Is prescribed by State, tribal, or local law;

(B) Is agreed to by the local governing body in the local cooperation agreement; or

(C) The recipient and the local governing body agree in the local cooperation agreement that such user fees or payments in lieu of taxes shall not be made; or

(iii) If the affordable housing assisted with grant amounts received by the recipient (exclusive of any portions not assisted with amounts provided under NAHASDA) is not exempt from all real and personal property taxes levied or imposed by any State, tribe, city, county, or other political subdivision, that the tribe, State, city, county, or other political subdivision in which the affordable housing development is located contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed the amounts prescribed in section (6)(ii) of the 1-year plan requirements, above.

Question 4. What are the affordable housing activities that are eligible for funding under NAHASDA?

Answer 4. Affordable housing activities are activities to develop or to support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, for the benefit of low-income Indian families on Indian reservations and other Indian areas. In the case of a low-income family residing in a dwelling unit assisted with NAHASDA grant amounts, affordable housing is housing for which the monthly rent or homebuyer payment (as applicable) does not exceed 30 percent of the family's monthly adjusted income. Eligible affordable housing activities are described below in sections (a) through (k) of this answer:

(a) *Indian Housing Assistance*—The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between HUD and an Indian housing authority.

(b) *Development*—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development of utilities and utility services, conversion, demolition, financing, administration and planning, and other related activities. Affordable housing includes permanent housing for homeless persons who are persons with

disabilities, transitional housing, and single room occupancy housing.

(c) *Housing Services*—The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted with grant amounts.

(d) *Housing Management Services*—The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and management of affordable housing projects.

(e) *Crime Prevention and Safety Activities*—The provision of safety,

security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

(f) *Rental Assistance*—The provision of tenant-based rental assistance.

(g) *Model Activities*—Housing activities under model programs that are designed to carry out the purposes of NAHASDA and are specifically approved by HUD as appropriate for such purpose.

(h) *Administrative Expenses*—A percent of grant amounts, to be determined in the final rule, may be used for any reasonable administrative and planning expenses of a recipient relating to carrying out NAHASDA and activities assisted with such amounts, including costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts and the expenses of preparing an IHP.

Question 5. How may grant amounts be used to carry out eligible activities?

Answer 5. In addition to being used to directly pay for eligible activities, grant amounts may be used for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments, or any other form of assistance that HUD determines to be consistent with the purposes of NAHASDA. This answer is provided from section 204 - "Types of Investments"—of NAHASDA. Guidance on the types of investments permissible under section 204 of NAHASDA will be provided in the final regulations.

Question 6. When must the IHP required by these transition requirements be submitted?

Answer 6. An IHP must be received by HUD no later than June 1, 1997 in order to be considered for FY 1998 funding.

Question 7. Where must an IHP be submitted?

Answer 7. All IHPs must be submitted to the local Area Office of Native American Programs as follows:

Tribes and IHAs located	ONAP Address
East of the Mississippi River (including all of Minnesota) and Iowa.	Eastern/Woodlands Office of Native American Programs, 5P, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604-3507, (312) 353-1282 or (800) 735-3239, TDD Numbers: 1-800-927-9275 or 312-886-3741.
Louisiana, Missouri, Kansas, Oklahoma, and Texas except for Isleta del Sur.	Southern Plains Office of Native American Programs, 6.IPI, 500 West Main Street, Suite 400, Oklahoma City, Oklahoma 73012, (405) 552-0194, 552-0195.
Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.	Northern Plains Office of Native American Programs, 8P, First Interstate Tower North, 633 17th Street, Denver, Colorado 80202-3607, (303) 672-5462, TDD Number: 303-844-6158.
Arizona, California, New Mexico, Nevada, and Isleta del Sur in Texas.	Southwest Office of Native American Programs, 9EPID, Two Arizona Center, 400 North Fifth Street, Suite 1650, Phoenix, Arizona 85004-2361, (602) 379-4156, TDD Number: 602-379-4461.
	or
Idaho, Oregon, and Washington	Albuquerque Division of Native American Programs, 9EPIDI, Albuquerque Plaza, 201 3rd Street, NW, Suite 1830, Albuquerque, New Mexico 87102-3368, (505) 766-1372, TDD Number: None.
Alaska	Northwest Office of Native American Programs, 10PI, 909 First Avenue, Suite 300, Seattle, Washington 98104-1000, (206) 220-5270, TDD Number: (206) 220-5185. Alaska Office of Native American Programs, 10.1PI, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508-4399, (907) 271-4633, TDD Number: (907) 271-4328.

Question 8. May an IHA continue to remain subject to the 1937 Act, and convert to a PHA?

Answer 8. No, because the purpose and result of NAHASDA is the exclusion of IHAs from the definition of a PHA as of September 30, 1997. After September 30, 1997, there may be IHAs that want to remain subject to the 1937 Act, but the consequence of NAHASDA section 501 is to make it impossible, after September 30, 1997, for an IHA to be considered a PHA. Further, section 502(b) provides that any IHA housing developed or operated under the 1937 Act must be considered and maintained as affordable housing for purposes of NAHASDA, and precludes the continued application of title I of the

1937 Act to IHAs after September 30, 1997.

Question 9. What happens to grants already made under the homeless, Youthbuild and Indian HOME programs?

Answer 9. These grants continue to be governed by the statutes authorizing the programs as those statutes exist on September 30, 1997 and by the grant agreements. After completion of the funded activities, the grants will be closed out in accordance with their program requirements and grant agreements.

III. General Notice of Proposed Rulemaking (For Purposes of Section 564(A) of Title 5, United States Code)

Section 106(b)(2)(A) provides: "Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, all regulations required under this Act shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code." Further, section 106(a)(2)(b) requires the transition notice to "include a general notice of proposed rulemaking (for purposes of section 564(a) of title 5, United States Code) of the final regulations under subsection (b)." Accordingly, this section of the transition notice provides the

information required under 5 U.S.C. 564(a) as follows:

(1) HUD is establishing a negotiated rulemaking committee to negotiate and develop a proposed rule as required by NAHASDA.

(2) The subject and scope of the rule to be considered are the development of proposed regulations required under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Pub. L. 104-330, approved October 26, 1996), including regulations governing the allocation formula to be used, the information to be provided in Indian Housing Plans (IHPs), the parameters of eligible activities, the frequency and content of required reports, and any other ancillary matters necessary to provide for the operation of the Indian Housing Block Grant Program established by NAHASDA.

(3) The interests that are likely to be significantly affected by the rule are the members of Indian tribes, particularly low-income Indian families on Indian reservations and other Indian areas.

(4) The persons proposed to represent these interests, selected to satisfy the NAHASDA section 106(b)(2)(B)(ii)(I) requirement that the membership of the committee include only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes, are the following:

Region/Member and Tribal Affiliation

South & Eastern

Jennie A. Greene, Housing Administrator, Aquinnah Wampanoag Tribal Housing Authority.
Bernadette Harlan, Executive Director, Seneca Nation Housing Authority.
Betty Jones, Housing Manager, Seminole Tribal Housing Authority.
Phillip Martin, Tribal Chief, Mississippi Band of Choctaw Indians.
Alternate: Jay Dorris, Planner, Mississippi Band of Choctaw Indians.
Richard Mitchell, Executive Director, Penobscot Tribal Reservation Housing Authority.
Susan M. Wicker, Executive Director, Poarch Creek Indian Housing Authority.

Great Lakes

Doug DeWalt, Executive Director, Sokaogon Chippewa Housing Authority.
Martin Jennings, Executive Director, Leech Lake Housing Authority.
Tom Maulson, Tribal Chairman, Lac du Flambeau Band of Lake Superior Chippewa Indians.
Jolene Nertoli, Housing Director, Sault Tribe Housing Authority.
Rick Smith, Director, Minnesota Chippewa Home Loan Program

Bobby Whitefeather, Tribal Chairman, Red Lake Band of Chippewa.

Oklahoma

Bill Anoatubby, Governor, Chickasaw Nation.

Alternate: Ken Samples, Executive Director, The Housing Authority of the Chickasaw Nation.

Joe Byrd, Principal Chief, Cherokee Nation of Oklahoma.

Alternate: Joel R. Thompson, Executive Director, The Housing Authority of the Cherokee Nation.

Merle Boyd, Second Chief, Sac & Fox Nation.

Larry Nuckolls, Governor, Shawnee Tribe of Oklahoma.

Ron Qualls, Potawatomi Nation Housing Authority.

Duke Tsoodle, Executive Director, Housing Authority of the Apache Tribe.

Mountain/Plains

Paul D. Iron Cloud, Executive Director, Oglala Sioux Housing Authority.

Debbie Isburg, Executive Director, Lower Brule Housing Authority.

Russell Bud Mason, Sr., Chairman, Three Affiliated Tribes.

William Joseph Moran, Councilman, Confederated Salish & Kootenia Tribes.

Alternate: Robert Gauthier, Executive Director, Salish & Kootenia Housing Authority.

S. Jack Sawyer, Projects Coordinator, Paiute Housing Authority, Paiute Indian Tribe of Utah.

Bruce Sun Child, Council Member, Chippewa Cree Tribe.

Nevada/California

Phil Bush, Executive Director, Modoc Lassen Indian Housing Authority.

Virginia Kizer, Executive Director, Washoe Housing Authority.

Juana Majel, Pauma Band of Mission Indians, San Diego American Indian Health Center.

Arlan Melandez, Chairman, Reno Sparks Indian Colony.

Darlene Tooley, Executive Director, Northern Circle Indian Housing Authority.

Brian Wallace, Tribal Chairman, Washoe Tribe of Nevada and California.

Southwest

Chester Carl, Executive Director, Navajo Housing Authority.

David F. Garcia, Contracts and Grants Coordinator, Pueblo of Acoma.

Alternate: Raymond J. Concho, Jr., Executive Director, Acoma Housing Authority.

Joe Garcia, Councilman, San Juan Pueblo.

Albert Hale, President, Navajo Nation.

Alternate: Kenneth Peterson, Executive Staff Assistant, Navajo Nation.

Ivan Makil, President, Salt River Pima-Maricopa Indian Community.
Alternate: Charleen H. Greer, Staff Attorney, Salt River Pima-Maricopa Indian Community.

Raymond Stanley, Tribal Chairman, San Carlos Apache Tribe.

Northwest

Henry Cagey, Tribal Chairman, Lummi Nation.

Rod Clark, Director, Klamath Alcohol and Drug Abuse.

Stanley G. Jones, Chairman of the Board of Directors, Tulalip Tribes.

Norman C. Nault, Executive Director, Yakama Nation Housing Authority.

John S. Williamson, Executive Director, Lower Elwha Housing Authority

Coni Wilson, Executive Director, Quinault Housing Authority.

Alaska

Kristian Anderson, Executive Director, Aleutian Housing Authority.

Thomas W. Harris, Executive Director, Cook Inlet Housing Authority.

Jacqueline L. Johnson, Executive Director, Tlingit-Haida Regional Housing Authority.

Will Mayo, President, Tanana Chiefs Conference.

Alternate: Joseph G. Wilson, Executive Director, Interior Regional Housing Authority.

Frank A. Peratovich, Jr., Executive Director, Copper River Basin Regional Housing Authority.

Edward K. Thomas, President, Central Council Tlingit Haida Indian Tribes of Alaska.

Alternate: Lee Clayton, President, Chilkoot Indian Association.

Department of Housing and Urban Development

Robert G. Barth, Office of Native American Programs.

Jennifer A. Bullough, Office of Native American Programs.

Barbara L. Burkhalter, Office of Public and Indian Housing.

Comptroller

Ted L. Key, Office of Native American Programs.

Bruce A. Knott, National Office of Native American Programs.

Deborah M. Lalancette, National Office of Native American.

Programs

Dominic A. Nessi, National Office of Native American Programs.

Peter J. Petrunich, National Office of Native American.

Programs

Todd M. Richardson, Michigan State Office.

Carol A. Roman, Colorado State Office, Northern Plains Office of Native American Programs.

(5) The proposed agenda and schedule for completing the work of the committee, including the target date for publication by HUD of a proposed rule for notice and comment, are as follows:

The members of the negotiated rulemaking committee will determine the agenda for the committee's work.

The target date for the publication of a proposed rule for notice and comment is June 1, 1997.

(6) A description of the administrative support for the committee to be provided by HUD, including technical assistance, is as follows:

In addition to providing meeting facilities, HUD will provide a neutral facilitator, travel funds when available, and a recorder for the activities of the committee.

(7) Comments are requested on the proposed membership of this negotiated rulemaking committee. In addition, persons who will be significantly affected by the proposed rule to be reported out by the committee and who believe their interests will not be adequately represented by any person proposed for membership in this notice may, by the date specified for the submission of comments on this notice, apply for, or nominate another person for, membership on the committee by submitting:

- The name of the person nominated and a description of the interests that person will represent;
- Evidence that the person nominated is authorized to represent parties related to the interests the person would represent;
- A written commitment that the person nominated will actively participate in good faith in the development of the rule under consideration; and
- The reasons that the persons proposed for membership in this notice do not adequately represent the interests that

the nominated person would represent.

IV. Effective Date of Nahasda Section 701(c)

This notice establishes an effective date of October 1, 1997 for purposes of NAHASDA section 701(c). This section establishes a new requirement for the Indian Housing Loan Guarantee Program (also called the Section 184 Program) under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z-13a) that eligible loans must be for housing on land under the jurisdiction of an Indian tribe for which an Indian housing plan (IHP) has been submitted and approved pursuant to sections 102 and 103 of NAHASDA. Since HUD anticipates that IHPs will not be submitted and approved until about the beginning of FY 1998, section 701(c) is given this delayed implementation date to prevent any interruption in the processing of section 184 loan guarantees.

V. Findings and Certifications

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been submitted to the Office of Management and Budget for emergency review and approval under section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The OMB control number, when assigned, will be published in the Federal Register. 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 valid control number.

Regulatory Planning and Review

This notice has been reviewed in accordance with Executive Order 12866, issued by the President on September 30, 1993 (58 FR 51735, October 4, 1993). Any changes to the rule resulting from this review are available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that the policies announced in this Notice would not have a significant impact on the formation, maintenance, and general well-being of families since they only establish transition requirements that are only temporary in nature.

Executive Order 12612, Federalism

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, that the policies contained in this notice will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. The notice only establishes temporary transition requirements for the initial participation by Indian tribes in a new statutory program.

Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

Authority: Section 106 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Pub. L. 104-330, approved October 26, 1996).

Dated: January 23, 1997.

Kevin Emanuel Marchman,
Acting Assistant Secretary for Public and Indian Housing.

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