

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4328-N-01]

Consolidated Notice of Funding Availability For Work Study Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Consolidated Notice of Funding Availability for Work Student Programs.

SUMMARY: This Notice of Funding Availability (NOFA) announces the availability of \$6.5 million in HUD program funds covering two work study programs: the Community Development Work Study Program and the Hispanic-serving Institutions Work Study Program.

The NOFA invites applications from institutions of higher education, area-wide planning organizations (APOs), and States for grants under the Community Development Work Study Program (CDWSP) to provide assistance to economically disadvantaged and minority graduate students who participate in community development work study programs and are enrolled full-time in a graduate community building academic degree program. This notice announces HUD's intention to award up to \$3.5 million from FY 1998 appropriations (plus any additional funds recaptured from prior appropriations) to fund work study programs to be carried out from August 1998 to September 2000.

The NOFA also invites applications from Hispanic-serving community colleges for grants under the Hispanic-serving Institutions Work Study Program (HSI-WSP) to provide assistance to economically disadvantaged and minority community college students who participate in community building work study programs and are enrolled full-time in an associate community building academic degree program. This Notice announces HUD's intention to award up to \$3 million from FY 1998 appropriations to fund work study programs to be carried out from August 1998 to August 2000.

The specific statutory and regulatory requirements of the two work study programs have not been changed. This NOFA reflects the statutory requirements and differences in the two programs. Please pay careful attention to the individual program requirements that are identified for each of these programs. In the body of this NOFA is information concerning:

a. The purpose and background of the NOFA, and the funding level provided through this NOFA;

b. Eligible applicants and activities, factors for award, and award requirements; and

c. The application requirements and steps involved in the applications process.

APPLICATION DUE DATE: Completed applications (an original and three copies) must be received no later than 4:30 p.m. Eastern Standard Time May 19, 1998. In the interest of all competing applicants, an application will be considered as ineligible for consideration if it is not physically received by the deadline date and hour at the place noted below under **ADDRESSES**. Applicants should take this requirement into account and make early submission of their materials to avoid any risk of losing eligibility brought about by unanticipated delays or other delivery related problems. Applicants hand-delivering applications are advised that considerable delays may occur in attempting to enter the building because of security procedures.

ADDRESSES: Application kits may be obtained by calling the SuperNOFA Information Center at 1-800-HUD-8929. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-483-2209. (These numbers are toll-free.) Requests for application kits must include the applicant's name, mailing address (including zip code), telephone number (including area code), and must refer to the "FR-4328." Applicants are requested to identify the specific program for which an application kit is being requested, as the two programs have different application kits. In addition, the application kit is available on the Internet from HUD's web site at WWW.HUD.GOV.

Completed applications (an original and three copies) must be submitted to: the Office of University Partnerships, in care of the Division of Budget, Contracts, and Program Control, Room 8230, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Facsimile copies will not be accepted.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Office of University Partnerships at (202) 708-1537, ext. 5918. (This is not a toll-free number.) Hearing-or speech-impaired individuals may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8339 (this number is toll free). Ms. Karadbil can also be reached via the Internet at: Jane__R__Karadbil@hud.gov.

ADDITIONAL INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget, under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned the following OMB Control Numbers: Community Development Work Study Program, 2528-0175; Hispanic-Serving Institutions Work Study Program, 2528-0182. 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.

I. Authorities; Purpose; Amounts Allocated; Program Requirements

A. Authorities

1. *Community Development Work Study Program (CDWSP):* Section 107(c) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*) authorizes CDWSP.

2. *Hispanic-serving Institutions Work Study Program (HSI-WSP):* Section 107(c) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5307(c)). Since Fiscal Year 1996, legislative history accompanying the Department's appropriations acts has earmarked funds under the Community Development Work Study Program for Hispanic-serving Institutions.

B. Purpose

The purpose of this NOFA is to:

1. Strengthen the ability of colleges and universities and their State and local government and non-profit organization partners to make more effective use of housing and community development program funding available from the Department and to use these available resources to implement coordinated housing and community development strategies established in local consolidated plans; and

2. Promote methods for developing more coordinated and effective approaches to dealing with urban and rural problems by recognizing the interconnections among the underlying problems and ways to address them through over-laying of available HUD programs.

C. Amounts Allocated

1. CDWSP \$3,500,000, plus any additional funds recaptured from prior appropriations.

2. HSI-WSP \$3,000,000.

D. General Program Requirements

1. *Statutory Requirements.* All applicants must comply with all

statutory and regulatory requirements applicable to the program for which they are seeking funding in order to be awarded funds. CDWSP regulations can be found at 24 CFR part 570.415. HSI-WSP regulations can be found in the **Federal Register** dated April 9, 1997, on pages 17492 through 17496. Copies of the appropriate regulations are included in the application kit and also contained on the HUD web site.

2. *Eligibility of the Institution.* The applicant must demonstrate that it is eligible to apply for the program:

a. For CDWSP, an eligible applicant is (1) an institution of higher education offering graduate degrees in a community development academic program, (2) an Area-wide Planning Organization (APO) applying on behalf of two or more eligible institutions of higher education located in the same SMSA or non-SMSA as the APO (as a result of a final rule for the program published at 24 CFR 570.415, institutions of higher education are permitted to choose whether to apply independently or through an APO); or (3) a State applying on behalf of two or more eligible institutions of higher education located in the State. If a State is approved for funding, institutions of higher education located in the State are not eligible recipients.

b. For HSI-WSP, an eligible applicant is a public or private nonprofit Hispanic-serving institution of higher education offering only two-year degrees in at least one community building academic degree program. To be an eligible Hispanic-serving institution, the applicant must meet the statutory definition of such an institution contained in Title III of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(1)). This statute defines an HSI generally as an eligible institution of higher education that has an enrollment of undergraduate full-time students that is at least 25 percent Hispanic; in which not less than 50 percent of the Hispanic students are low-income individuals (i.e., their families' taxable income for the preceding year did not exceed 150 percent of the poverty level) who are first generation college students; and in which another 25 percent of the Hispanic students are either low-income individuals or first-generation college students. Previously, HUD used a list of Hispanic-serving Institutions issued by the Department of Education to determine eligibility. But a revision to program regulations issued in the **Federal Register** on February 25, 1998, 63 FR 9682, eliminates the use of that list and allows applicants to certify that they meet the statutory definition.

3. *Eligibility of the Degree Program.*

a. For CDWSP, an eligible community building academic degree program includes but is not limited to graduate degree programs in community and economic development, community planning, community management, public administration, public policy, urban economics, urban management, and urban planning. The term excludes social and humanistic fields such as law, economics (except for urban economics), education, and history. The term also excludes joint degree programs except where both joint degree fields have the purpose and focus of educating students in community building.

b. For HSI, an eligible community building academic degree program is defined as an undergraduate associate degree program whose purpose and focus is to educate students in community building. The terms "community building academic program" or "academic program" refer to the types of academic programs encompassed in the statutory phrase "community or economic development, community planning, or community management." For purposes of HSI-WSP, such programs include, but are not limited to associate degrees on community and economic development, community planning, community management, public administration, public policy, urban economics, urban management, urban planning, land use planning, housing and related fields of study. Related fields of study that promote community building, such as administration of justice, child development, and human services delivery are eligible, while fields such as natural sciences, computer sciences, mathematics, accounting, electronics, engineering, and the humanities (such as English literature or history) would not be. A transfer program (i.e., one that leads to transfer to a four-year institution of higher education for the student's junior year) in a community building academic discipline is only eligible if the student is required to declare his/her major in this discipline while at the community college.

c. For both programs, applicants are encouraged to contact Jane Karadibil at the above listed telephone number if they have any questions about eligibility of a proposed degree program.

4. *Compliance with Fair Housing and Civil Rights Laws.* All applicants must comply with all applicable statutory and regulatory fair housing and civil rights laws as enumerated in 24 CFR 5.105(a). If the applicant has been charged with a violation of the Fair Housing Act by the Department or the Department of Justice or if an applicant has received a

letter of noncompliance findings under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, or Section 109 of the Housing and Community Development Act, the applicant is not eligible to apply for funding under this NOFA until the applicant resolves such charge or letter of findings to the satisfaction of the Department.

5. *Forms, Certifications and Assurances.* Each applicant must submit signed copies of the following assurances and certifications:

a. Standard Form (SF) 424-B, Assurances for Non-construction Programs;

b. Drug-Free Workplace Certification (HUD-50070);

c. Certification and Disclosure Form Regarding Lobbying Activities (SF-LLL);

d. Applicant/Recipient Disclosure Update Report (HUD-2880); and

e. Certification from an Independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by the pertinent OMB Circular.

6. *Other Required Forms and Agreements.* The application kit includes the required budget forms. Applicants are also required to submit draft student and work placement agreements, although HUD does not provide forms or samples of these documents.

7. *Negotiations.* After all applications have been rated and ranked and selections have been made, HUD may require winners to participate in negotiations to determine the Grant Budget. In cases where HUD cannot successfully conclude negotiations, or a selected applicant fails to provide HUD with requested information, awards will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest applicant.

II. Application Selection Process

A. Two Types of Reviews

Applicants must complete and submit applications in accordance with instructions contained in the application kit, and must include all certifications, assurances, and budget information requested in the kit. Following the expiration of the application submission deadline, HUD will review for threshold requirements, rate, and rank applications in a manner consistent with the procedures

described in this Notice and the provisions of the program regulations.

Two types of reviews will be conducted—a threshold review to determine applicant eligibility and a rating based on the selection criteria for all applications that pass the threshold review.

B. Threshold Criteria for Funding Consideration.

1. General threshold requirements.

Applicants for either program must meet the following threshold requirements:

a. The applicant must be eligible to apply for the specific program.
b. The applicant must be in compliance with applicable civil rights laws and Executive Orders. The Department will use the following standards to assess compliance with civil rights laws at the threshold review. In making this assessment, the Department shall review appropriate records maintained by the Office of Fair Housing and Equal Opportunity, e.g., records of monitoring, audit, or compliance review findings, complaint determinations, compliance agreements, etc. If the review reveals the existence of any of the following, the application will be rejected:

(1) There is a pending civil rights suit against the applicant instituted by the Department of Justice;

(2) There is an outstanding finding of noncompliance with civil rights statutes, Executive Orders, or regulations as a result of formal administrative proceedings, unless the applicant is operating under a HUD-approved compliance agreement designed to correct the area of noncompliance, or is currently negotiating such an agreement with the Department.

(3) There is an unresolved Secretarial charge of discrimination issued under Section 810(g) of the Fair Housing Act, as implemented by 24 CFR 103.400.

(4) There has been an adjudication of a civil rights violation in a civil action brought against it by a private individual, unless the applicant is operating under a court order designed to correct the area of noncompliance or the applicant has discharged any responsibility arising from such litigation.

(5) There has been a deferral of the processing applications from the applicant imposed by HUD under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 1.8) and procedures, or under Section 504 of the Rehabilitation Act of 1973 and the HUD Section 504 regulations (24 CFR 8.57).

2. Additional threshold requirements for CDWSP. For CDWSP these additional threshold requirements must be met before an application can be rated and ranked.

a. Number of students to be assisted. An applicant may request funding for up to five students, but in any case, for no less than three students. Since the work plan and other facets of the evaluation are assessed in the context of the number of students to be assisted. An applicant students for whom funding is requested, any application containing a request for fewer than three or more than five students per institution will be disqualified.

b. Eligibility of the Applicant and Its Proposed Academic Degree Program. The applicant must demonstrate that it is eligible to participate in the program, by demonstrating that it is either is an institution of higher education that offers graduate degrees in at least one eligible community building academic program or is an APO or State submitting an application submitting an application on behalf of such institutions. An application must also demonstrate that each institution participating in the program has the faculty to carry out its activities under the program. Each work placement agency must be involved in community building and must be an agency of a State or unit of local government, an area-wide planning organization, an Indian tribe, or a private nonprofit organization.

c. Graduation Rates. Institutions of higher education, APOs, and States must maintain at least a 50 percent rate of graduation of students from the FY 1995 funding round, which covered school years September 1995 to September 1997, in order to be eligible to participate in the current round of CDWSP funding. Institutions of higher education, APOs, and States funded under the FY 1995 CDWSP funding round that did not maintain such a rate will be excluded from participating in the FY 1998 funding round. Such institutions, APOs, and States will be eligible to participate in the 1999 round.

3. Additional threshold requirements for HSI-WSP. For HSI-WSP these additional threshold requirements must be met before an application can be reviewed and ranked.

a. Number of students to be assisted. An applicant may request funding for up to 10 students, and no less than three students. Please note that an applicant can request funding for less than 10 students. Since the work plan and other facets of the evaluation are assessed in the context of the number of students for whom funding is requested, any

application requesting assistance for fewer than three students will be disqualified.

b. Eligible applicant and academic degree program. The applicant must demonstrate that it is eligible to participate in HSI-WSP, by demonstrating that it is a public or private nonprofit Hispanic-serving Institution offering only two-year degrees, in at least one eligible community building academic program. Applicants will be required to certify that they meet the statutory definition of an HSI.

C. Application Rating

To review and rate applications, the Department may establish panels including persons not currently employed by HUD to obtain certain expertise and outside points of view, including views from other Federal agencies. Applicants will be evaluated competitively and ranked against all other applicants that have applied for the same funding program.

HUD reserves the right to reduce the amount of funding for an applicant in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked application, HUD may fund part of the next highest ranking application (as long as it would provide assistance to the minimum number of students required to be served) in a given program area. If an applicant turns down the award offer, HUD will make the same determination for the next highest-ranking application. If funds remain after all selections have been made, the remaining will be carried over to the next funding cycle's competition.

D. General Factors for Award Used To Evaluate and Rank Applications.

The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for each program is 100. The rating of the applicant or the applicants organization and staff, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project, to the extent of their participation.

E. Summary of Selection Factors

Following is a summary of the selection factors common to both programs, and the points for each of these factors, by program.

1. Quality of the Academic Program

a. CDWSP—30 points. For CDWSP, HUD will evaluate the quality of the

academic program offered by the institution of higher education (or institutions, in the case of an application from an APO or State) including, without limitation, the:

- (1) Quality of course offerings;
- (2) Appropriateness of course offerings for preparing students for careers in community building; and
- (3) Qualifications of the faculty and percentage of their time devoted to teaching and research in community building.

b. HSI-WSP—40 points. For HSI-WSP HUD will evaluate:

- (1) The quality of the academic program in terms of the community building course offerings, and academic requirements for students, including the likelihood of the academic program to prepare students to work with their designated populations in their community building careers (25 points). Applicants should describe the specific courses to be offered in the academic program, the populations to be served in the careers these academic programs will lead to, and how the courses will equip students to work with these populations.

- (2) The qualifications of the faculty members and the percentage of time they will teach in the academic program and the qualifications of the academic supervisor (who may or may not be the program supervisor) to direct and manage the academic program (15 points).

2. Quality of the Work Placement Assignments

- a. CDWSP—15 points. For CDWSP, HUD will evaluate the extent to which participating students will receive a sufficient number and variety of work placement assignments, the extent assignments will provide practical and useful experience to students participating in the program, and the extent assignments will further the participating students' preparation for professional careers in community building. In applying this factor, HUD will consider the quality and variety of work placement agencies and the quality and variety of projects/experiences at each agency and overall. Applicants must have a plan for rotating students among work placement agencies. Students engaging in community building projects through an institution of higher education may do so only through a community outreach center, which will in that instance be considered a work placement agency even if the community building projects are undertaken with or through a separate organization or entity. Accordingly, students engaging in

community building through an institution of higher education's outreach center should do so during only part of their academic program and should rotate to other work placement agency responsibilities identified in the CDWSP regulations.

- b. HSI-WSP—20 points. For HSI-WSP, HUD will evaluate the extent to which participating students will receive a sufficient number and variety of work placement assignments, the assignments will provide practical and useful experience to students participating in the program, and the assignments will further the participating students' preparation for professional careers in community building. In assessing the number and variety of assignments, HUD will consider both the number and variety of work assignments available to a student working at any site.

3. Effectiveness of Program Administration

- a. CDWSP—18 points. For CDWSP, HUD will evaluate the degree to which the applicant will be able to coordinate and administer the program. HUD will allocate the maximum points available under this criterion equally among the following three considerations, except that the maximum points available under this criterion will be allocated equally only between (1) and (2), where an applicant has not previously administered a CDWSP-funded program.

- (1) The strength and clarity of the applicant's plan for placing CDWSP students on rotating work placement assignments and monitoring CDWSP students' progress both academically and in their work placement assignments;

- (2) The degree to which the individual who will coordinate and administer the program has clear responsibility, ample available time, and sufficient authority to do so;

- (3) The effectiveness of the applicant's prior coordination and administration of a CDWSP-funded program, where applicable (including the timeliness and completeness of the applicant's compliance with CDWSP reporting requirements). In addressing the timeliness of reports, the applicant should review its prior CDWSP grant agreements and reports and compare when reports were due with the reports actually submitted.

- b. HSI-WSP—20 points. For HSI-WSP, HUD will evaluate:

- (1) The degree to which the program director has clear responsibility, ample percentage of time, and sufficient institutional or academic authority to

coordinate the overall administration of the program; and

- (2) The adequacy of the applicant's plan for placing students in work placement assignments and keeping track of students during the two-year academic period and work placement assignments.

4. Demonstrated Commitment of the Applicant to Meeting the Needs of Economically Disadvantaged and Minority Students

- a. CDWSP—10 points. For CDWSP, HUD will evaluate the applicant's commitment to meeting the needs of economically disadvantaged and minority students as demonstrated by the policies and plans regarding, and past efforts and successes in, recruiting, enrolling and financially assisting economically disadvantaged and minority students. If the applicant is an APO or State, HUD will consider the demonstrated commitment of each institution of higher education on whose behalf the APO or State is applying; HUD will also consider the demonstrated commitment of the APO or State to recruit and hire economically disadvantaged and minority students.

- b. HSI-WSP—10 points. For HSI-WSP, HUD will evaluate the extent to which the applicant's recruitment activities, special education programs, and other means, including the provision of reasonable accommodations for students with disabilities, demonstrates an active, aggressive, and imaginative effort to identify, attract, and retain qualified minorities and economically disadvantaged students, including students with disabilities; and the extent to which the HSI-WSP award will not result in a decrease in the amount of the institution's own financial support available for minority and economically disadvantaged students, including students with disabilities, in the academic areas or the institution as a whole.

F. Specialized Selection Factors

Following is a summary of the selection factors specific to each of these programs, and the points for each of these factors, by program. The application kit contains more detail on each factor. Applicants must consult the kit before preparing their responses to these factors.

1. CDWSP

- a. Rates of Graduation—7 points—HUD will evaluate the rates of students previously enrolled in a community building academic degree program, specifically (where applicable) graduation rates from any previously

funded CDWSP academic programs or similar programs.

b. **Extent of Financial Commitment—10 points**—HUD will evaluate the commitment and ability of the institution of higher education (or institutions, in the case of an application from an APO or State) to assure that CDWSP students will receive sufficient financial assistance above and beyond the CDWSP funding to complete their academic program in a timely manner and without working in excess of 20 hours a week during the school year. When addressing this issue, applicants should, among other responsive information, delineate the full costs budgeted annually for a student, explain the basis for the budget and explain how the financial assistance package offered to each CDWSP student will meet that budget. The applicant should have an adequate means of addressing reasonable variations in budget needs among students and for addressing emergency financial needs of students.

c. **Likelihood of Fostering Students' Permanent Employment in Community Building—10 points**—HUD will evaluate the extent to which the proposed program will lead participating students directly and immediately to permanent employment in community building, as indicated by:

(1) The past success of the institution of higher education in placing its graduates (particularly CDWSP-funded and similar program graduates, where applicable) in finding permanent employment in community building; and

(2) The amount of faculty/staff time and resources devoted to assisting students (particularly students in CDWSP-funded and similar programs, where applicable) in finding permanent employment in community building.

2. HSI-WSP

Likelihood of Fostering Students' Permanent Post-graduation Employment in Community Building or Transfer to a Four-Year Institution of Higher Education to Obtain a Bachelor's Degree in a Community Building Academic Discipline—10 points—HUD will evaluate the extent to which the institution's educational program (based on previous experience), including the assistance it provides to its students in finding post-graduation employment or transfer to a four-year institution for a bachelor's degree in a community building academic discipline, has led to career opportunities in community building fields.

G. Corrections to Deficient Applications

HUD will screen each application that is timely received to determine whether it is complete, and will notify an applicant in writing of any technical deficiencies in the application.

The notification will specify the date by which HUD must receive the applicant's correction of all technical deficiencies, which will be within 14 calendar days from the date of HUD's notification. If the due date falls on a Saturday, Sunday, or Federal holiday, the correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.

The correction period pertains only to non-substantive, technical deficiencies or errors. Current law does not permit HUD to allow substantive changes to applications after the due date. Technical deficiencies relate to items that:

(1) Are not necessary for HUD review under selection criteria/ranking factors; and

(2) Would not improve the substantive quality of the proposal. Examples of technical deficiencies would be a failure to submit proper certifications or failure to submit an application containing an original signature by an authorized official. If any of the items identified in HUD's written notification are not corrected and submitted within the required time period, the application will be ineligible for further consideration.

H. Final Selection

All applications that are rated will be rank ordered based on their total scores on the selection factors. Applications will be considered for selection based on their rank order. For CDWSP only, HUD may make awards out of rank order to achieve geographic diversity, and may provide assistance to support a number of students that is less than the number requested under an application (or in the case of CDWSP, a lower funding level per student), in order to provide assistance to as many highly ranked applications as possible.

If there is a tie in the point scores of two applications, the rank order will be determined by the applicants' scores in both CDWSP and HSI-WSP on the selection factor entitled "Quality of the Academic Program." The application with the most points on this factor will be given the higher rank. If there is still a tie, the rank order will be determined by the applicants' scores on the selection factor entitled:

1. Effectiveness of program administration for CDWSP; or

2. Commitment to meeting the needs of economically disadvantaged and minority students for HSI-WSP.

The application with the most points for this selection factor will be given the higher rank.

For CDWSP only, if there are insufficient funds to fund an application, even if the application's request is reduced to the minimum number of students which could be funded (i.e., three students per institution of higher education), HUD may select the next ranked application which would not exceed the funding left available and still fund the minimum number of students allowed.

III. Promoting Comprehensive Approaches to Housing and Community Development

HUD believes the best approach for addressing community problems is through a community-based process that provides a comprehensive response to identified needs. In this spirit, it may be helpful for applicants under this NOFA to be aware of other related HUD NOFAs that have been published or are expected to be published this fiscal year. On March 31, 1998, HUD published in the **Federal Register** its SuperNOFA on Housing and Community Development Programs. This SuperNOFA covered 19 HUD Housing and Community Development programs. The March 31, 1998 SuperNOFA is the first of three SuperNOFAs that will be published in Fiscal Year 1998. By reviewing this first SuperNOFA, the two SuperNOFAs to follow, and other individual NOFAs that HUD may publish with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to upcoming NOFAs and the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice. Applicants and interested parties may find out more about HUD's NOFAs through the HUD web site on the Internet.

IV. Other Matters

1. Environmental Review

This NOFA does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this NOFA is

categorically excluded from environmental review under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321) and no FONSI is needed. In addition, the provision of assistance under this NOFA is categorically excluded from environmental review under § 50.19(b)(3) and (b)(9).

2. *Federalism, Executive Order 12612*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies and procedures 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. This notice merely invites applications from certain institutions of higher education for grants under CDWSP or HSI-WSP. As a result, the notice is not subject to review under the Order.

3. *Prohibition Against Lobbying Activities*

Applicants for funding under this NOFA (except Indian Housing Authorities established by tribal governments exercising their sovereign powers with respect to expenditures specifically permitted by Federal law) are subject to the provision of Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants for Federal contracts and grants from using appropriated funds to attempt to influence Federal Executive or legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment, or modification. The Byrd Amendment applies to the funds that are the subject of this NOFA. Therefore, applicants must file a certification stating that they have not made and will not make any prohibited payments and, if any payments or agreement to make

payments of nonappropriated funds for these purposes have been made, a form SF-LLL disclosing such payments must be submitted. The certification and the SF-LLL are included in the application kit.

The Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995), which repealed section 112 of the HUD Reform Act and resulted in elimination of the regulations at 24 CFR part 86, requires all persons and entities who lobby covered Executive or Legislative Branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

4. *Section 102 of the HUD Reform Act; Documentation and Public Access Requirements*

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and the final rule codified at 24 CFR part 4, subpart A, published on April 1, 1996 (61 FR 1448), contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published, at 57 FR 1942, a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

a. *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis.

b. *Disclosures.* HUD will make available to the public for five years all

applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

5. *Section 103 of the HUD Reform Act*

HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by regulations 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 or employees who have ethics-related questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact HUD's Ethics Law Division (202) 708-3815 (voice), (202) 708-1112 (TTY). (These are not toll-free numbers.) For HUD employees who have specific program questions, the employee should contact the appropriate Field Office Counsel or Headquarters Counsel for the program to which the question pertains.

6. *Catalog of Federal Domestic Assistance*

The Catalogue of Federal Domestic Assistance numbers for the two programs are: CDWSP, 14.234; HSI-WSP, 14.513.

Dated: March 23, 1998.

Andrew M. Cuomo,
Secretary.

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