

reports, but in no case for a period of 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 (24 CFR part 5).

(3) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to Section 102(a) of the HUD Reform Act; and/or

(ii) Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(4) *Debriefing.* Beginning 30 days after the awards for assistance are publicly announced and for at least 120 days after awards for assistance are announced publicly, HUD will provide a debriefing to any applicant requesting one on their application. All debriefing requests must be made in writing or by email by the authorized official whose signature appears on the HUD-424 or his or her successor in office, and submitted to the Area Office you submitted your application to. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

#### *B. 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, subpart B, section 4.26(2)(c) *et seq.* and 4.28 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 the 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 should contact the HUD Ethics Law Division at 202-708-3815. (This is not a toll-free number.) HUD employees who have specific program questions should contact the appropriate field office counsel or Headquarters counsel for the program to which the question pertains.

#### **X. Error and Appeals**

Judgments made within the provisions of this NOFA and the program regulations (24 CFR part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the Area ONAPs within 30

days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the Area ONAPs may fund that project in the next funding round without further competition.

#### **Appendix A: Forms**

The non-standard forms, which follow, are required for your ICDBG application.

#### **Appendix B: Data To Determine Need for Factor 2 (for Applicants for New Housing Construction, Housing Rehabilitation, Land Acquisition To Support New Housing, and Homeownership Assistance Projects)**

For Applicants submitting applications for New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Acquisition Projects: The need for the proposed project for Factor 2 is determined by utilizing data from the tribe's 2003 IHBG formula information. The data is contained in Appendix B. Should you disagree with this information, please consult the IHBG formula customer service center at (800) 410-8808 for the process for challenging IHBG formula data.

Dated: July 7, 2003.

**Michael M. Liu,**

*Assistant Secretary for Public and Indian Housing.*

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