

§ 1000.22 Are the costs of the environmental review an eligible cost?

Yes, costs of completing the environmental review are eligible.

§ 1000.24 If an Indian tribe assumes environmental review responsibility, how will HUD assist the Indian tribe in performing the environmental review?

As set forth in section 105(a)(2)(B) of NAHASDA and 24 CFR 58.77, HUD will provide for monitoring of environmental reviews and will also facilitate training for the performance for such reviews by Indian tribes.

§ 1000.26 What are the administrative requirements under NAHASDA?

(a) Except as addressed in § 1000.28, recipients shall comply with the requirements and standards of OMB Circular No. A-87, "Principles for Determining Costs Applicable to Grants and Contracts with State, Local and Federally recognized Indian Tribal Governments," and with the following sections of 24 CFR part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." For purposes of this part, "grantee" as defined in 24 CFR part 85 has the same meaning as "recipient."

- (1) Section 85.3, "Definitions."
- (2) Section 85.6, "Exceptions."
- (3) Section 85.12, "Special grant or subgrant conditions for 'high risk' grantees."
- (4) Section 85.20, "Standards for financial management systems," except paragraph (a).
- (5) Section 85.21, "Payment."
- (6) Section 85.22, "Allowable costs."
- (7) Section 85.26, "Non-federal audits."
- (8) Section 85.32, "Equipment," except in all cases in which the equipment is sold, the proceeds shall be program income.
- (9) Section 85.33, "Supplies."
- (10) Section 85.35, "Subawards to debarred and suspended parties."
- (11) Section 85.36, "Procurement," except paragraph (a). 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:

- (i) 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;
- (ii) 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
- (iii) 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.

- (12) Section 85.37, "Subgrants."
- (13) Section 85.40, "Monitoring and reporting program performance," except paragraphs (b) through (d) and paragraph (f).
- (14) Section 85.41, "Financial reporting," except paragraphs (a), (b), and (e).
- (15) Section 85.44, "Termination for convenience."
- (16) Section 85.51 "Later disallowances and adjustments."
- (17) Section 85.52, "Collection of amounts due."

(b)(1) With respect to the applicability of cost principles, all items of cost listed in Attachment B of OMB Circular A-87 which require prior Federal agency approval are allowable without the prior approval of HUD to the extent that they comply with the general policies and principles stated in Attachment A of this circular and are otherwise eligible under this part, except for the following:

- (i) Depreciation methods for fixed assets shall not be changed without specific approval of HUD or, if charged through a cost allocation plan, the Federal cognizant agency.
- (ii) Fines and penalties are unallowable costs to the IHBG program.
- (2) In addition, no person providing consultant services in an employer-employee type of relationship shall receive more than a reasonable rate of compensation for personal services paid with IHBG funds. In no event,