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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4161-N-01]

Deadlines Limiting the Availability of Community Development Block Grant and Certain Other Program Funds for Obligation and Expenditure

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice advises grantees on the effect of the appropriation accounting provisions in 31 U.S.C. 1551-1557 (the Act), as added by the National Defense Authorization Act for Fiscal Year 1991, on Community Development Block Grant funds, including all programs funded under that account and related accounts. These statutory provisions control the availability of certain appropriations for expenditure.

FOR FURTHER INFORMATION CONTACT: Jan C. Opper, Senior Program Officer, Office of Block Grant Assistance, Room 7286, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410-7000, telephone number (202) 708-3587, extension 4538; or Laura M. Marin, Director, Budget Division, Office of Technical Assistance and Management, Room 7236, at the same address, telephone number (202) 708-2182, extension 4432. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339. FAX inquiries may be sent to Mr. Opper at (202) 401-2044, or to Ms. Marin at (202) 708-4275. (Except for the "800" number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Background

The appropriation accounting provisions in 31 U.S.C. 1551-1557 (the Act), as added by section 1405 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101-510, approved November 5, 1990; 104 Stat. 1485, 1675) limit the availability of certain appropriations for expenditure. The Act requires the withdrawal from recipients' lines of credit funds that recipients have not expended 5 years after the expiration of the period of their availability for expenditure.

Limits on Availability of Funds Appropriated for a Finite Period of Time

This notice sets forth the effect of the Act on appropriations that are available for obligation by the Federal Government for a finite period of time, such as most appropriations for Community Development Block Grant (CDBG) funds and all other programs that are appropriated under the CDBG and Urban Development Action Grant (UDAG) accounts. The Act states:

(a) On September 30th of the 5th fiscal year after the period of availability for obligation of a fixed appropriation account ends, the account shall be closed and any remaining balance (whether obligated or unobligated) in the account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose. (31 U.S.C. 1552).

There is an exception for certain CDBG and UDAG funds. In this regard, an administrative provision in title II, chapter XI of the Dire Emergency Supplemental Appropriations Act of 1991 (Pub. L. 102-27, approved April 10, 1991; 105 Stat. 130, 151) exempted from operation of the provisions in 31 U.S.C. 1551-1557 all HUD funds appropriated under the category "Community development grants" and "Urban development action grants" for fiscal years prior to 1991 that were obligated as of March 5, 1991.

Accordingly, all CDBG and UDAG funds available for obligation for a *finite* period of time and that were not obligated on or before March 5, 1991, must be obligated and expended within a maximum of 8 years of the initial appropriation—3 fiscal years of availability for HUD to obligate funds and 5 additional fiscal years for the grantee to expend funds. The total 8-year period of time that a grantee has before funds are withdrawn starts at the beginning of the source year for the appropriation. This is not affected by the fact that funds may actually be obligated by HUD to a recipient at any time within the 3 fiscal years of availability for obligation. Thus, the time period that a grantee has between the date of HUD's obligation of funds, and the date after which funds are withdrawn from its line of credit under the cited provisions of title 31 of the U.S. Code, will likely be less than the full 8 years, and could be as short as 5 years. The Federal fiscal year ends on September 30. After the 8-year period, all remaining funds from affected appropriations accounts will be canceled and withdrawn from HUD, and HUD will likewise cancel those amounts in the grantee's line of credit. As an example, any source year 1991 funds

not expended by September 30, 1998 will cease to be available on October 1, 1998, and will be withdrawn from the grantee's line of credit.

Any programs for which HUD is funded under the appropriations law headings "Community Development Grants," "Community Development Block Grants Fund," or "Urban Development Action Grants," except as noted above, are subject to this provision. Examples of these appropriations headings are to be found in title II of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, approved April 26, 1996; 110 Stat. 1321, 1321-272) ("Community Development Grants"); in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104-204, approved September 26, 1996; 110 Stat. 2874, 2887) ("Community Development Block Grants Fund"); and in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Pub. L. 99-160, approved November 25, 1985; 99 Stat. 909, 913) ("Urban Development Action Grants").

In addition to the Entitlement Communities, States, and Small Cities programs, a number of other programs have been funded under the CDBG appropriations account in recent years. The attached table lists those other programs funded under the CDBG appropriations account since 1991. In addition, most but not all of the CDBG disaster recovery assistance provided through supplemental appropriations is covered by the limitations of the Act. Certain CDBG supplemental appropriations for disaster recovery may be available until expended—an *indefinite* period of time. They would therefore be excluded from the limitations of this provision. If you are unsure whether your grant is subject to the Act, you should contact HUD for clarification. (This list may not be fully inclusive.)

This notice does not relax the CDBG rules regarding timely expenditure of funds at 24 CFR 570.902 for entitlement communities, nor the rules regarding timely distribution of funds at § 570.494 for States. In fact, grantees' compliance with these rules by carrying out programs and expending funds in a timely manner will avoid the loss of unexpended funds that are the focus of the limitations in the provisions of title 31 of the U.S. Code.

Dated: August 3, 1998.

Saul N. Ramirez, Jr.,
Assistant Secretary for Community Planning and Development.

OTHER PROGRAMS FUNDED WITH CDBG APPROPRIATIONS ACCOUNT SINCE 1991

	1991	1992	1993	1994	1995	1996	1997	1998
Special Purpose Grants (section 107):								
Insular Areas	X	X	X	X	X	X	X	X
Technical Assistance	X	.....	X	X	X	.....	X	X
Work Study	X	X	X	X	X	X	X	X
Historically Black Colleges and Universities (HBCU)	X	X	X	X	X	X	X	X
"Los Angeles, CA" .....	.....	.....	X	.....	.....	.....	.....	.....
"Bridgeport, CT" .....	.....	.....	X	.....	.....	.....	.....	.....
Community Outreach Management Information System .....	.....	.....	.....	X	X	X	X	X
National Center for the Revitalization of Cities .....	.....	.....	.....	.....	.....	.....	.....	X
Joint Community Development .....	.....	.....	.....	X	X	.....	.....	.....
Community Adjustment Planning .....	.....	.....	.....	X	X	.....	.....	.....
Native Americans	X	X	X	X	X	X	X	X
Neighborhood Development	X	X	X	X	X	.....	.....	.....
Early Childhood Development	X	X	X	X	X	.....	.....	.....
Integrated Data Base .....	.....	X	X	.....	.....	.....	.....	.....
Housing Assistance Council .....	.....	.....	.....	.....	.....	X	X	X
National American Indian Housing Council .....	.....	.....	.....	.....	.....	X	X	X
Supportive Services Grants:								
Economic Development & Supp. Services .....	.....	.....	.....	.....	.....	X	X	X
Family Self Sufficiency Bridges to Work .....	.....	.....	.....	.....	.....	X	.....	.....
Service Coordinators ..	.....	.....	.....	.....	.....	X	X	X
Tenant Opportunity ..	.....	.....	.....	.....	.....	.....	X	X
Moving to Work .....	.....	.....	.....	.....	.....	.....	X	X
Congregate Services ..	.....	.....	.....	.....	.....	.....	.....	X
Housing Counseling .....	.....	.....	.....	.....	.....	X	.....	.....
Tenant Opportunity .....	.....	.....	.....	.....	.....	X	.....	.....
Youthbuild .....	.....	.....	.....	.....	.....	X	X	X
Economic Development Initiative (EDI) .....	.....	.....	.....	.....	.....	X	.....	X
Homeownership Zones (EDI) .....	.....	.....	.....	.....	.....	X	.....	.....
Lead Hazard Control .....	.....	.....	.....	.....	.....	.....	X	X
Law Enforcement Agencies Reimbursement .....	.....	.....	.....	.....	.....	.....	X	.....
Habitat/Self-Help Homeownership .....	.....	.....	.....	.....	.....	.....	.....	X
Capacity Building (NCDI) ..	.....	.....	.....	.....	.....	.....	.....	X
Rural Economic and Housing Development	X
Neighborhood Initiative Demonstration	X

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4341-N-29]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development,