

IHBG Formula Negotiated Rulemaking Recommendations and Proposals

TAB 1: [Former # 4]	Over/Under: Amending FCAS regulations to (1) expressly state the importance of accurately reporting such stock and the consequences of not doing so and (2) allowing undercounts to be set-off against overcounts
	The proposal was first introduced on 08/18/2003
A proposal was submitted by UNAHA titled “Amending Formula Current Assisted Stock Regulations to (1) Expressly State the Importance of Accurately Reporting Such Stock and the Consequences of Not doing so and (2) Allowing Undercounts to be Set-Off Against Overcounts.” To date, there is no regulatory language associated with this proposal.	
Reference Documents: TSB: Tab 4	

Referenced Documents:

TR = Technical Request; TSB = Tab in September Binder

[Issue #1]
PROPOSED REGULATION
FOR
COUNTING FCAS (OVER AND UNDERCOUNTING)
by
Jason Adams

With assurance and agreement made with the Negotiated Rule Making Committee that HUD will provide back-funding for any undercount of units which occurred and were reported or challenged prior to October 30, 2003, the Negotiated Rule Making Committee agrees that the following additional regulation provision shall be added to the NAHASDA regulations. These changes are conditioned upon a letter being sent by HUD upon finalization of the particular regulations summarizing this decision.

§ 1000.315 Is a recipient required to report changes to the Formula Current Assisted Stock (FCAS) on the Formula Response Form?

A recipient shall report changes to the Formula related information on the Formula Response Form, including corrections to the number of Current Assisted Stock (FCAS) identified in the HUD Formula Response Form, during the time period required by HUD which shall be not less than 60 days from the date the form is sent to the recipient. They shall be given a minimum of 60 days to submit such corrections. The Formula Response Form is the only mechanism that a recipient shall use to report or make changes to the number of FCAS.

§ 1000.319 What would happen if a recipient misreports or fails to correct Formula Current Assisted Stock (FCAS) information on the Formula Response Form?

A recipient is responsible for verifying and reporting changes to their Formula Current Assisted Stock (FCAS) on the Formula Response Form to ensure that data used for the formula are accurate. Reporting shall be completed in accordance with requirements in Subpart D and the Formula Response Form. If a recipient receives an overpayment of funds because it failed to report such changes on the Formula Response Form in a timely manner, the recipient shall be required to repay the funds in order that the funds be subsequently distributed to all tribes by HUD in accordance with the next NAHASDA formula allocation. Recipients will not be provided back funding for any units that they fail to report on the Formula Response Form in a timely manner. HUD shall have three years from the date a Formula Response Form is sent out to take action against any recipient that fails to correct or make appropriate changes on that Formula Response Form. Review of FCAS will be accomplished by HUD as a component of A-133 audits, routine monitoring, FCAS target monitoring or other reviews.