

Loans from MLS 2011-2 at any time prior to the Award Date. HUD also reserved the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include any Mortgage Loans in a later sale. Mortgage Loans will not be withdrawn after the Award Date except as is specifically provided in the Loan Sale Agreement.

This sale of unsubsidized mortgage loans was pursuant to Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, 12 U.S.C. 1715z-11a(a).

#### **Mortgage Loan Sale Procedure**

HUD selected a competitive sale as the method to sell the Mortgage Loans. This method of sale optimizes HUD's return on the sale of these Mortgage Loans, afforded the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provided the quickest and most efficient vehicle for HUD to dispose of the Mortgage Loans.

#### **Bidder Eligibility**

In order to bid in the sale, prospective bidders were required to complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities were ineligible to bid on any of the Mortgage Loans included in MLS 2011-2:

(1) Any employee of HUD, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household;

(2) Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 24 of the Code of Federal Regulations, part 24, and Title 2 of the Code of Federal Regulations, part 2424;

(3) Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for, or on behalf of, HUD in connection with MLS 2011-2;

(4) Any individual who was a principal, partner, director, agent or employee of any entity or individual described in subparagraph 3 above, at any time during which the entity or individual performed services for or on behalf of HUD in connection with MLS 2011-2;

(5) Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under subparagraphs 1 through 4 above to assist in preparing any of its bids on the Mortgage Loans;

(6) Any individual or entity which employs or uses the services of an employee of HUD (other than in such employee's official capacity) who is involved in MLS 2011-2;

(7) Any affiliate, principal or employee of any person or entity that, within the two-year period prior to August 1, 2011, serviced any of the Mortgage Loans or performed other services for or on behalf of HUD;

(8) Any contractor or subcontractor to HUD that otherwise had access to information concerning the Mortgage Loans on behalf of HUD or provided services to any person or entity which, within the two-year period prior to August 1, 2011, had access to information with respect to the Mortgage Loans on behalf of HUD;

(9) Any employee, officer, director or any other person that provides or will provide services to the potential bidder with respect to such Mortgage Loans during any warranty period established for the Loan Sale, that (x) serviced any of the Mortgage Loans or performed other services for or on behalf of HUD or (y) within the two-year period prior to August 1, 2011, provided services to any person or entity which serviced, performed services or otherwise had access to information with respect to the Mortgage Loans for or on behalf of HUD;

(10) Any mortgagor or operator that failed to submit to HUD on or before June 30, 2011, audited financial statements for fiscal years 2007 through 2010 (for such time as the project has been in operation or the prospective bidder served as operator, if less than three (3) years) for a project securing a Mortgage Loan;

(11) Any individual or entity and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity that is a mortgagor in any of HUD's multifamily and or healthcare housing programs and that is in default under such mortgage loan or is in violation of any regulatory or business agreements with HUD, unless such default or violation is cured on or before June 30, 2011;

#### **Freedom of Information Act Requests**

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding MLS 2011-2, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to MLS 2011-2, HUD will have the right to disclose any information that HUD is obligated to disclose

pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

#### **Scope of Notice**

This notice applied to MLS 2011-2 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: July 29, 2011.

**Carol J. Galante,**

*Acting Assistant Secretary for Housing,  
Federal Housing Commissioner.*

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## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5545-D-02]

### **Order of Succession for the Office of Public and Indian Housing**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of order of succession.

**SUMMARY:** In this notice, the Assistant Secretary for Public and Indian Housing designates the order of succession for the Office of Public and Indian Housing (PIH). This order of succession revokes and supersedes all prior orders of succession for PIH, including that published on October 18, 2006 (71 FR 61500).

**DATES:** *Effective Date:* July 15, 2011.

**FOR FURTHER INFORMATION CONTACT:** Linda Bronsdon, AICP, Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 490 L'Enfant Plaza, Washington, DC 20024, e-mail address [Linda.K.Bronsdon@hud.gov](mailto:Linda.K.Bronsdon@hud.gov), telephone number 202-402-3494. (This is not a toll-free number.) This number may be accessed through TTY by calling the toll-free Federal Relay Service at telephone number 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for PIH is issuing this order of succession of officials to perform the duties and functions of PIH when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This order of succession is subject to the provisions of the Federal Vacancy Reform Act of 1998 (5 U.S.C. 3345-3349d). This publication revokes and supersedes all prior orders of succession for PIH, including that published on October 18, 2006 (71 FR 61500).

Accordingly, the Assistant Secretary for PIH designates the following Order of Succession:

#### Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the Assistant Secretary of PIH, the following officials within PIH are hereby designated to exercise the powers and perform the duties of the Assistant Secretary for PIH, including the authority to waive regulations:

- (1) General Deputy Assistant Secretary for Public and Indian Housing;
- (2) Deputy Assistant Secretary for Public Housing and Voucher Programs;
- (3) Deputy Assistant Secretary for Public Housing Investments;
- (4) Deputy Assistant Secretary for Field Operations;
- (5) Deputy Assistant Secretary for the Real Estate Assessment Center;
- (6) Deputy Assistant Secretary for Office of Native American Programs;
- (7) Deputy Assistant Secretary for Policy, Program and Legislative Initiatives;
- (8) Region 7/8 Regional Public Housing; and
- (9) Region 6 Regional Public Housing.

These officials shall perform the functions and duties of the office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

#### Section B. Authority Superseded

This order of succession supersedes all prior order of succession for the Assistant Secretary for Public and Indian Housing, including that published on October 18, 2006 (71 FR 61500).

**Authority:** Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 15, 2011.

**Sandra B. Henriquez,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 2011-19724 Filed 8-3-11; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5545-D-05]

### Redelegation of Authority to Office of Native American Program (ONAP) Area Office Administrators and Office Directors

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of redelegation of authority.

**SUMMARY:** Section 7(d) of the Department of Housing and Urban Development Act, as amended, provides authority to the Secretary to delegate functions, powers, and duties as the Secretary deems necessary. By separate notice published in today's **Federal Register**, the Assistant Secretary for Public and Indian Housing delegates authority, through the General Deputy Assistant Secretary, to Deputy Assistant Secretary for the Office of Native American Programs to perform program administration, oversight and enforcement responsibilities for certain of HUD's programs directed to Native Americans, and authorizes the Deputy Assistant Secretary for the Office of Native American Programs to redelegate such authority. In this redelegation of authority, the Deputy Assistant Secretary for the Office of Native American Programs (ONAP) redelegates authority for the administration, oversight and enforcement of certain PIH programs.

**DATES:** *Effective Date:* July 15, 2011

**FOR FURTHER INFORMATION CONTACT:** Linda Bronsdon, AICP, Program Analyst, Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 490 L'Enfant Plaza, Suite 2206, Washington, DC 20024, e-mail address [Linda.K.Bronsdon@hud.gov](mailto:Linda.K.Bronsdon@hud.gov), telephone number 202-402-3494. (This is not a toll-free number.) This number may be accessed through TTY by calling the toll-free Federal Relay Service at telephone number 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The management action plan (MAP) for Public and Indian Housing (PIH) calls for the implementation of relevant redelegation to field offices to implement HUD's Strategic Goal 5 to transform the way HUD does business by delegating authority and accountability. All prior redelegations of authority between the Deputy Assistant Secretary for ONAP and ONAP officers, including the redelegations published

on September 9, 2003 (68 FR 53195 through 53198), are hereby revoked and superseded by this redelegation of authority.

### Section A. Authority Redelegated to Area Office Administrators and Office Directors

Authority is hereby redelegated from the Deputy Assistant Secretary for ONAP to ONAP Area Office Administrators, the Director of the Office of Grants Management, and the Director of the Office of Grants Evaluation for administration, oversight and enforcement of the following:

1. PIH programs for which assistance is provided for or on behalf of Native Americans, Indian Tribes, Alaska Native Villages, Native Hawaiians, tribal entities, tribally designated housing entities, or tribal housing resident organizations;

2. Programs authorized pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 *et seq.*), as amended;

3. Community Development Block Grant Program for Indian Tribes and Alaska Native Villages authorized by section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306);

4. Indian Home Loan Guarantee Program authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a);

5. Native Hawaiian Loan Guarantee Program authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b);

6. Rural Innovation Fund grants and Rural Housing and Economic Development grants awarded to Indian tribes and tribal entities by the Assistant Secretary for Community Planning and Development, as may be authorized by HUD appropriations acts. ONAP Area Office Administrators may issue letters of warning advising grantees of performance problems and describing corrective actions. The Office of Community Planning and Development retains enforcement authority beyond the letter of warning stage;

7. Authority to execute all necessary agreements relating to the programs listed in this section, including but not limited to grant agreements;

8. Authority of an ONAP Area Office Administrator to accept and approve a paper application under the Indian Community Development Block Grant (ICDBG) notice of funding availability (NOFA) as published on grants.gov upon a showing of good cause. Separate