Collective (ASB 505–21–20), BHT–505–FM–1, Temporary Revision (TR–6) or Bell 505
RFM TR for Pilot Collective (ASB 505–21–20), BHT–505–FM–2, Temporary Revision
(TR–1), each dated March 3, 2021, as applicable to your helicopter. Using a
different document with information
identical to the information for the “Flight
Crew” and “Configuration,” as applicable to
your helicopter, in the RFM TR specified in
this paragraph for your helicopter
is acceptable for compliance with the
requirements of this paragraph. This action
may be performed by the owner/operator
(pilot) holding at least a private pilot
certificate and must be entered into the
aircraft records showing compliance with
this AD in accordance with § 43.9(a)(1)
through (4) and § 91.417(a)(2)(iv). The record
must be maintained as required by § 91.417,
§ 121.380, or § 135.439.

(2) Before further flight after the effective
date of this AD, and thereafter at intervals not
to exceed the next transportion service
inspections:

(i) Remove the pilot collective stick and
grip assembly from the jackshaft assembly
and clean the areas specified in Figure 2 of
Bell Alert Service Bulletin 505–21–20,
Revision B, dated March 3, 2021 (ASB 505–
21–20 Rev B) with a clean cloth C–516C or
equivalent moistened with dry cleaning
solvent C–504 or equivalent.

(ii) Perform a fluorescent penetrant
inspection (FPI) for a crack by following the
Accomplishment Instructions, paragraph 5.
(but not paragraphs 5.a. and b.) of ASB 505–
21–20 Rev B. Perform this FPI in the areas
specified in Figure 2 of ASB 505–21–20 Rev
B. If there is a crack, before further flight,
remove the pilot collective stick and
assembly from service.

(3) Within 10 days after the discovery of
any crack, report the information specified in
paragraph 5.a. of ASB 505–21–20 Rev B to
Bell Product Support Engineering at
productsupport@bellflight.com.

(4) As of the effective date of this AD, do
not install any pilot collective stick and grip
assembly on any helicopter unless the actions
required by paragraphs (g)(2)(i) and
(ii) have been accomplished.

(5) As of the effective date of this AD, relief
under any Master Minimum Equipment List
or Minimum Equipment List for the Audio
Panel is prohibited when the aircraft is
operated with a single pilot.

(b) Credit for Previous Actions

If you performed an FPI of the pilot
collective stick and grip assembly before
the effective date of this AD using Bell Alert
Service Bulletin 505–21–20, dated February
20, 2021, or Bell Alert Service Bulletin 505–
21–20, Revision A, dated February 26, 2021,
you met the before further flight FPI
requirement of paragraph (g)(2) of this AD.

(i) Special Flight Permits

A special flight permit to a maintenance
facility may be granted provided that:

(1) There are no passengers on-board,

(2) The helicopter is flown from the copilot
seat only, and

(3) The GMA (intercom) is operative.

(j) Alternative Methods of Compliance

(AMOCs)

(1) The Manager, International Validation
Branch, FAA, has the authority to approve
AMOCs for this AD, if requested using the
procedures found in 14 CFR 39.19. In
accordance with 14 CFR 39.19, send your
request to your principal inspector or local
Flight Standards District Office, as
appropriate. If sending information directly
to the manager of the International Validation
office, send it to the attention of the person
identified in paragraph (k)(1) of this AD.
Information may be emailed to: 9-AVS-AIR-
7390-AMOCs@faa.gov.

(2) Before using any approved AMOC,
notify your appropriate principal inspector,
or lacking a principal inspector, the manager
of the local flight standards district office/certificate
holding district office.

(k) Related Information

(1) Hal Jensen, Aerospace Engineer,
Operational Safety Branch, Safety &
Airworthiness Division, FAA National
Headquarters, 950 L’Enfant Plaza N SW,
Washington, DC 20024; telephone (202) 267–
9167; email hal.jensen@faa.gov.

(2) The subject of this AD is addressed in
Transport Canada Emergency AD CF–2021–
05R2, dated March 4, 2021. You may view
the Transport Canada AD on the internet at

(l) Material Incorporated by Reference

(1) The Director of the Federal Register
approved the incorporation by reference of the
service information listed in this paragraph
under 5 U.S.C. 552(a) and 1 CFR
part 51.

(2) You must use this service information as
applicable to do the actions required by
this AD, unless the AD specifies otherwise.

(i) Bell Alert Service Bulletin 505–21–20,

(ii) Bell 505 Rotorcraft Flight Manual
Temporary Revision for Pilot Collective (ASB
505–21–20), BHT–505–FM–1, Temporary
Revision (TR–6), dated March 3, 2021.

(iii) Bell 505 Rotorcraft Flight Manual
Temporary Revision for Pilot Collective (ASB
505–21–20), BHT–505–FM–2, Temporary
Revision (TR–1), dated March 3, 2021.

(3) For service information identified in
this AD, contact Bell Textron Canada
Limited, 12,800 Rue de l’Avenir, Mirabel,
Quebec J7J1R4; telephone (450) 437–2862 or
(800) 363–3023; fax (450) 433–0272; or at

(4) You may view this service information
at the FAA, Office of the Regional Counsel,
Southwest Region, 10101 Hillwood Pkwy.,
Room 6N–321, Fort Worth, TX 76177. For
information on the availability of this
material at the FAA, Office of the Regional
Counsel, visit their internet site at
https://ibr-locations.html.

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

24 CFR Parts 28, 30, 87, 180, and 3282

Adjustment of Civil Monetary Penalty
Amounts for 2021

AGENCY: Office of the General Counsel, HUD.

ACTION: Final rule.

SUMMARY: This rule provides for 2021
inflation adjustments of civil monetary
penalty amounts required by the Federal
Civil Penalties Inflation Adjustment Act
of 1990, as amended by the Federal
Civil Penalties Inflation Adjustment Act
Improvements Act of 2015.

DATES: Effective April 15, 2021.

FOR FURTHER INFORMATION CONTACT:
Aaron Santa Anna, Associate General
Counsel for Legislation and Regulations,
Office of the General Counsel,
Department of Housing and Urban
Development, 451 7th Street SW, Room
10276, Washington, DC 20024;
telephone number 202–402–5138 (this
is not a toll-free number). Hearing- or
speech-impaired individuals may access
this number via TTY by calling the
Federal Relay Service at 800–877–8339
(this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation
Adjustment Act Improvements Act of
2015 (the 2015 Act) (Pub. L. 114–74, Sec.
10276, Washington, DC 20024;
television number 202–402–5138 (this
is not a toll-free number). Hearing- or
speech-impaired individuals may access
this number via TTY by calling the
Federal Relay Service at 800–877–8339
(this is a toll-free number).

The Federal Civil Penalties Inflation
Adjustment Act Improvements Act of
2015 (the 2015 Act) (Pub. L. 114–74, Sec.
701), which further amended the Federal
Civil Penalties Inflation Adjustment Act
of 1990 (Pub. L. 101–410), requires agencies to make annual adjustments to civil monetary penalty
(CMP) amounts for inflation “notwithstanding section 553 of title 5, United States Code.” Section 553
provides for advance notice and public
comment during the rulemaking process. However, as explained in
Section III below, HUD has determined that advance notice and public
comment on this final rule is
unnecessary.

This annual adjustment is for 2021.

The annual adjustment is based on the
percent change between the U.S.
Department of Labor’s Consumer Price
Index for All Urban Consumers (“CPI–U”) for the month of October preceding the date of the adjustment, and the CPI-U for October of the prior year (28 U.S.C. 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for 2021 is 1.01182.1 Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.2

II. This Final Rule

This final rule makes the required 2021 inflation adjustment of HUD’s civil money penalty amounts. Since HUD is not applying these adjustments prospectively, the 2021 increases apply to violations occurring on or after this rule’s effective date. HUD provides a table showing how, for each component, the penalties are being adjusted for 2021 pursuant to the 2015 Act. In the first column (“Description”), HUD provides a description of the penalty. In the second column (“Statutory Citation”), HUD provides the United States Code statutory citation providing for the penalty. In the third column (“Regulatory Citation”), HUD provides the Code of Federal Regulations citation under Title 24 for the penalty. In the fourth column (“Previous Amount”), HUD provides the amount of the penalty pursuant to the rule implementing the 2020 adjustment (85 FR 13041, April 06, 2020). In the fifth column (“2021 Adjusted Amount”), HUD lists the penalty after applying the 2021 inflation adjustment.

<table>
<thead>
<tr>
<th>Description</th>
<th>Statutory citation</th>
<th>Regulatory citation (24 CFR)</th>
<th>Previous amount</th>
<th>2021 adjusted amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance Disclosure of Funding</td>
<td>Department of Housing and Urban Development Act (42 U.S.C. 3537(a)(c)).</td>
<td>§30.20</td>
<td>$20,489</td>
<td>$20,731</td>
</tr>
<tr>
<td>Disclosure of Subsidy Layering</td>
<td>Department of Housing and Urban Development Act (42 U.S.C. 3545(f)).</td>
<td>§30.25</td>
<td>$20,489</td>
<td>$20,731</td>
</tr>
<tr>
<td>FHA Mortgagees and Lenders Violations</td>
<td>HUD Reform Act of 1989 (12 U.S.C. 1755–14(a)(2)).</td>
<td>§30.35 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Other FHA Participants Violations</td>
<td>HUD Reform Act of 1989 (12 U.S.C. 1755–14(a)(2)).</td>
<td>§30.36 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Indian Loan Mortgagees Violations</td>
<td>Housing Community Development Act of 1992 (12 U.S.C. 1715z–13a(g)(2)).</td>
<td>§30.40 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Multifamily &amp; Section 202 or 811 Owners Violations</td>
<td>HUD Reform Act of 1989 (12 U.S.C. 1735f–15(c)(2)).</td>
<td>§30.45 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Housing Quality Improvement Violations</td>
<td>HUD Reform Act of 1989 (12 U.S.C. 1723(a)).</td>
<td>§30.50 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Title I Broker &amp; Dealers Violations</td>
<td>HUD Reform Act of 1989 (12 U.S.C. 1703).</td>
<td>§30.60 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Lead Disclosure Violation</td>
<td>Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d(b)(1)).</td>
<td>§30.65 $18,149 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Section 8 Owners Violations</td>
<td>Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 14372–1(b)(2)).</td>
<td>§30.68 $39,811 Per Violation: $10,245 Per Year: $2,048,915</td>
<td>Per Violation: $10,366 Per Year: $2,073,133</td>
<td></td>
</tr>
<tr>
<td>Manufactured Housing Regulations Violation</td>
<td>Housing Community Development Act of 1974 (42 U.S.C. 5410).</td>
<td>§3282.10 Per Violation: $2,976 Per Year: $2,048,915</td>
<td>Per Violation: $3,011 Per Year: $3,763,392.</td>
<td></td>
</tr>
</tbody>
</table>

III. Justification for Final Rulemaking for the 2021 Adjustments

HUD generally publishes regulations for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advanced notice and public participation. The good cause requirement is satisfied when prior public procedure is “impractical, unnecessary, or contrary to the public interest” (24 CFR 10.1). As discussed, this final rule makes the required 2021 inflation adjustment, which HUD does not have discretion to change. Moreover, the 2015 Act specifies that a delay in the effective date under the Administrative Procedure Act is not required for annual adjustments under the 2015 Act. HUD has determined, therefore, that it is unnecessary to delay the effectiveness of the 2021 inflation adjustments to solicit public comments.

Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that any HUD regulation implementing any provision of the Department of Housing and Urban Development Reform Act of 1989 that authorizes the imposition of a civil money penalty may not become effective until after the expiration of a public comment period of not less than 60 days. This rule does not authorize
the imposition of a civil money penalty—rather, it makes a standard inflation adjustment to penalties that were previously authorized. As noted above, the 2021 inflation adjustments are made in accordance with a statutorily prescribed formula that does not provide for agency discretion. Accordingly, a delay in the effectiveness of the 2021 inflation adjustments in order to provide the public with an opportunity to comment is unnecessary because the 2015 Act exempts the adjustments from the need for delay, the rule does not authorize the imposition of a civil money penalty, and, in any event, HUD would not have the discretion to make changes as a result of any comments.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review) (58 FR 51735), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) (76 FR 3821) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.” Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. As discussed above in this preamble, this final rule adjusts existing civil monetary penalties for inflation by a statutorily required amount. HUD determined that this rule was not significant under Executive Order 12866 and Executive Order 13563.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Unfunded Mandates Reform

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking. As discussed above, HUD has determined, for good cause, that prior notice and public comment is not required on this rule and, therefore, the UMRA does not apply to this final rule.

Executive Order 13132, Federalism

Executive Order 13132 (entitled “Federalism”) (64 FR 43255) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule will not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Environmental Review

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern, or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

List of Subjects

24 CFR Part 28
 Administrative practice and procedure, Claims, Fraud, Penalties.

24 CFR Part 30
 Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Mortgage insurance, Penalties.

24 CFR Part 87
 Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 180
 Administrative practice and procedure, Aged, Civil rights, Fair housing, Persons with disabilities, Investigations, Mortgages, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 3282
 Administrative practice and procedure, Consumer protection, Intergovernmental relations, Manufactured homes, Reporting and recordkeeping requirements.

PART 28—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

1. The authority citation for part 28 continues to read as follows:


2. In §28.10, revise paragraphs (a)(1) introductory text and (b)(1) introductory text to read as follows:

§ 28.10 Basis for civil penalties and assessments.

(a) * * *. (1) A civil penalty of not more than $11,803 may be imposed upon any person who makes, presents, or submits, or causes to be made, presented, or submitted, a claim that the person knows or has reason to know:

* * * * * * *

(b) * * *. (1) A civil penalty of not more than $11,803 may be imposed upon any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that:

* * * * *
PART 30—CIVIL MONEY PENALTIES: CERTAIN PROHIBITED CONDUCT

3. The authority citation for part 30 continues to read as follows:

4. In § 30.20, revise paragraph (b) to read as follows:
§ 30.20 Ethical violations by HUD employees.

(b) Maximum penalty. The maximum penalty is $20,731 for each violation.

5. In § 30.25, revise paragraph (b) to read as follows:
§ 30.25 Violations by applicants for assistance.

(b) Maximum penalty. The maximum penalty is $20,731 for each violation.

6. In § 30.35, revise the first sentence in paragraph (c)(1) to read as follows:
§ 30.35 Mortgagees and lenders.

(c)(1) * * * * The maximum penalty is $10,366 for each violation, up to a limit of $2,073,133 for all violations committed during any one-year period.

7. In § 30.36, revise the first sentence in paragraph (c) to read as follows:
§ 30.36 Other participants in FHA programs.

(c) * * * * The maximum penalty is $10,366 for each violation, up to a limit of $2,073,133 for all violations committed during any one-year period.

8. In § 30.40, revise the first sentence in paragraph (c) to read as follows:
§ 30.40 Loan guarantees for Indian housing.

(c) * * * * The maximum penalty is $10,366 for each violation, up to a limit of $2,073,133 for all violations committed during any one-year period.

9. In § 30.45, revise paragraph (g) to read as follows:
§ 30.45 Multifamily and section 202 or 811 mortgagees.

(g) Maximum penalty. The maximum penalty for each violation under paragraphs (c) and (f) of this section is $51,827.

10. In § 30.50, revise the first sentence in paragraph (c) to read as follows:
§ 30.50 GNMA issuers and custodians.

(c) * * * * The maximum penalty is $10,366 for each violation, up to a limit of $2,073,133 during any one-year period.

11. In § 30.60, revise paragraph (c) to read as follows:
§ 30.60 Dealers or sponsored third-party originators.

(c) Amount of penalty. The maximum penalty is $10,366 for each violation, up to a limit for any particular person of $2,073,133 during any one-year period.

12. In § 30.65, revise paragraph (b) to read as follows:
§ 30.65 Failure to disclose lead-based paint hazards.

(b) Amount of penalty. The maximum penalty is $18,364 for each violation.

13. In § 30.68, revise paragraph (c) to read as follows:
§ 30.68 Section 8 owners.

(c) Maximum penalty. The maximum penalty for each violation under this section is $40,282.

PART 87—NEW RESTRICTIONS ON LOBBYING

14. The authority citation for part 87 continues to read as follows:

15. In § 87.400, revise paragraphs (a), (b), and (e) to read as follows:
§ 87.400 Penalties.

(a) Any person who makes an expenditure prohibited herein shall be subject to a civil penalty of not less than $20,731 and not more than $207,314 for each such expenditure.

(b) Any person who fails to file or amend the disclosure form (see appendix B of this part) to be filed or amended if required herein, shall be subject to a civil penalty of not less than $20,731 and not more than $207,314 for each such failure.

(e) First offenders under paragraphs (a) or (b) of this section shall be subject to a civil penalty of $20,731, absent aggravating circumstances. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between $20,731 and $207,314 as determined by the agency head or his or her designee.

16. The authority citation for part 180 continues to read as follows:

17. In § 180.671, revise paragraphs (a)(1) through (3) to read as follows:
§ 180.671 Assessing civil penalties for Fair Housing Act cases.

(a) * * *

(1) $21,663, if the respondent has not been adjudged in any administrative hearing or civil action permitted under the Fair Housing Act or any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a federal, state, or local governmental agency, to have committed any prior discriminatory housing practice.

(2) $54,157, if the respondent has been adjudged in any administrative hearing or civil action permitted under the Fair Housing Act, or under any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a federal, state, or local government agency, to have committed one other discriminatory housing practice and the adjudication was made during the 5-year period preceding the date of filing of the charge.

(3) $108,315, if the respondent has been adjudged in any administrative hearings or civil actions permitted under the Fair Housing Act, or under any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a federal, state, or local government agency, to have committed two or more discriminatory housing practices and the adjudications were made during the 7-year period preceding the date of filing of the charge.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

18. The authority citation for part 3282 continues to read as follows:

19. Revise § 3282.10 to read as follows:
§ 3282.10 Civil and criminal penalties.

Failure to comply with these regulations may subject the party in question to the civil and criminal penalties provided for in section 611 of the Act, 42 U.S.C. 5410. The maximum amount of penalties imposed under section 611 of the Act shall be $3,011 for each violation, up to a maximum of $3,763,392 for any related series of violations occurring within one year from the date of the first violation.

Damon Smith,
Principal Deputy General Counsel.

[FR Doc. 2021–04817 Filed 3–15–21; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2020–OSERS–0063]

Final Priority and Definitions—American Indian Vocational Rehabilitation Training and Technical Assistance Center

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

ACTION: Final priority and definitions.

SUMMARY: The Department of Education (Department) announces a priority and definitions to fund an American Indian Vocational Rehabilitation Training and Technical Assistance Center (AIVRTTAC), Assistance Listing Number 84.250Z. The Department may use the priority and definitions for competitions in fiscal year (FY) 2021 and later years. We take this action to improve employment outcomes and raise expectations for American Indians with disabilities and to fund training and technical assistance (TA) activities to support the American Indian Vocational Rehabilitation Services (AIVRS) projects. We intend the AIVRTTAC to provide training and TA to the AIVRS project personnel, especially vocational rehabilitation (VR) counselors, to improve their capacity to implement innovative and effective VR services and employment strategies and practices to increase the number and quality of employment outcomes for American Indians with disabilities served through the AIVRS program. Awards will be made to State, local, or Tribal governments, non-profit organizations, or institutions of higher education that have experience in the operation of AIVRS programs.

DATES: This priority and definitions are effective April 15, 2021.


If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the AIVRTTAC program is to provide training and TA to governing bodies of Indian Tribes, or consortia of those governing bodies, that have received an AIVRS grant under section 121(a) of the Rehabilitation Act of 1973, as amended (Act). Under section 121(c)(2) of the Act, the Commissioner of the Rehabilitation Services Administration (RSA) makes grants to, or enters into contracts or other cooperative agreements with, entities that have experience in the operation of AIVRS projects to provide such training and TA on developing, conducting, administering, and evaluating these projects.

Program Authority: 29 U.S.C. 741(c).

Applicable Program Regulations: 34 CFR part 371.

We published a notice of proposed priorities and definitions (NPP) for this program in the Federal Register on September 10, 2020 (85 FR 55802). That notice contained background information and our reasons for proposing the particular priorities and definitions. Except for minor editorial and technical revisions for grammar and clarity, and one substantive change explained in the discussion of the comments that follow, there are no differences between Proposed Priority 1 and the proposed definitions and the final priority and final definitions. We have not included Proposed Priority 2 in the final priorities.

Public Comment: In response to our invitation in the NPP, five parties submitted comments on the proposed priorities and definitions.

Generally, we do not address technical and other minor changes, or suggested changes the law does not authorize us to make. In addition, we do not address general comments that raise concerns not directly related to the proposed priorities or definitions.

Analysis of Comments and Changes:

An analysis of the comments and any changes in the priorities and definitions since publication of the NPP follows.

Comment: Two commenters noted that American Indians, just like other groups, deserve rehabilitation and disability assistance services.

The commenters believe that the AIVRS program is a great way to help this group. The commenters believe that Proposed Priority 1 would help.

Discussion: The Department agrees with the commenters that Proposed Priority 1 is important in helping the AIVRS projects to deliver AIVRS services to American Indians with disabilities served by the AIVRS projects.

Changes: None.

Comment: One commenter discussed the need to build internal capacity within AIVRS projects to deliver benefits counseling to AIVRS project participants. The commenter noted that benefits counseling is a proven approach that not only helps individuals understand the benefits of work but also leads to more employment outcomes. The commenter stated that benefits counseling provided within Tribal programs will be more welcome and better accepted than benefits counseling provided by “outsiders” who provide counseling and then leave. Specifically, the commenter recommended that the AIVRTTAC institute a plan to provide AIVRS consumers with benefits planning services by training Tribal members to provide these services and build expert capacity within the Tribal nations so that consumers can learn and understand the process and complex rules of government programs.

Discussion: The Department agrees with the commenter that benefits counseling services are important services to provide to AIVRS consumers as they work to develop their career goals and their individualized plan for employment (IPE). Benefits counseling is a commonly provided VR service. The Department agrees that the AIVRTTAC should be able to provide TA to Tribes seeking to build resources to provide these services and will address it in the cooperative agreement once the applicant is selected, but the priority addresses broader requirements for training such as development of the IPE, which looks at all VR services, of which benefits counseling is one. The Department does not believe that the one-size-fits-all approach suggested by the commenter—to require the AIVRTTAC to train all AIVRS grantees on benefits counseling—is the best approach given the diversity of the AIVRS grantees. Many small AIVRS projects may not have the capacity to devote staff time to this complicated issue and would need TA to establish relationships with other sources to address this need. Also, there may be local services available that have proven...