

HOMEOWNERS ASSISTANCE FUND (HAF) PROGRAM PLAN AND POLICY

THE HOPI TRIBE PANDEMIC RECOVERY COMMITTEE ("HTPRC")



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II. General Provisions

A. Applicability

This plan and policy document (the “Plan”) applies to The Hopi Tribe Pandemic Recovery Committee (“HTPRC”) under delegated authority by The Hopi Tribe (“Hopi” or “Tribe”), who serves as Awardee of the U.S. Department of Treasury Homeowner Assistance Fund (“HAF”) Program Funds established under section 3206 of the American Rescue Plan Act of 2021 (“ARPA”). These funds are intended to mitigate financial hardships associated with the Coronavirus pandemic by providing funds to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacement of the homeowners experiencing financial hardships after January 21, 2020, through qualified expenses related to mortgages and housing.

B. Purpose

The purpose of the Plan is to describe in detail the needs of homeowners within the relevant jurisdiction, the design of each program the eligible entity proposes to implement using HAF funds, performance goals, and information regarding the eligible entity’s readiness to implement the programs.

C. Administration

1. Administration of the Hopi HAF Program shall be administered through the HAF Verification Specialists with direct program oversight by the HTPRC Project Coordinator and Financial reporting by the Finance Director.
2. The Project Coordinator shall issue operational procedures to implement the HAF Program.
3. The HTPRC may use or accept HAF payments to make subawards to other entities, including non-profit organizations and local governments, to administer the HAF program on behalf of the Awardee. The subrecipient monitoring and management requirements set forth in 2 CFR 200.331-200.333 will apply to such entities.
 - a. The HTPRC may also enter into contracts using HAF payments for goods or services to implement HAF programs. The HTPRC must comply with the procurement standards set forth in 2 CFR 200.317-200.327 in entering into such contracts.
 - b. Awardees are encouraged to achieve administrative efficiency and fiduciary responsibility by collaborating with other awardees in joint administrative solutions to deploy HAF resources.
4. Not more than 15% of the funds for this program may be used for administrative costs.

D. Definitions

- A. **Financial Hardships:** means a material reduction in income or material increase in living expenses associated with the Coronavirus pandemic that has created or increased a risk of mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner.

- B. **Dwelling:** means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more individuals.
- C. **Mortgage:** means any credit transaction (1) that is secured by a mortgage, deed of trust, or other consensual security interest on a principal residence of a borrower that is (a) a one- to four-unit dwelling, or (b) a residential real property that includes a one-to four-unit dwelling; and (2) the unpaid principal balance of which was, at the time of origination, not more than the conforming loan limit. For purposes of this definition, the conforming loan limit means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage secured by a two-family residence, a mortgage secured by a three-family residence, or a mortgage secured by a four-family residence, as determined and adjusted annually under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)). A reverse mortgage, a loan secured by a manufactured home, or a contract for deed (also known as a land contract) may fall within this definition if it satisfies the criteria in this paragraph, in accordance with applicable state law.
- D. **Socially Disadvantaged:** individuals are those whose ability to purchase or own a home has been impaired due to diminished access to credit on reasonable terms as compared to others in comparable economic circumstances, based on disparities in homeownership rates in the HAF participant's jurisdiction as documented by the U.S. Census. The impairment must stem from circumstances beyond their control. Indicators of impairment under this definition may include being a (1) member of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society, (2) resident of a majority-minority Census tract; (3) individual with limited English proficiency; (4) resident of a U.S. territory, Indian reservation, or Hawaiian Home Land, or (5) individual who lives in a persistent-poverty county, meaning any county that has had 20% or more of its population living in poverty over the past 30 years as measured by the three most recent decennial censuses. In addition, an individual may be determined to be a socially disadvantaged individual in accordance with a process developed by a HAF participant for determining whether a homeowner is a socially disadvantaged individual in accordance with applicable law, which may reasonably rely on self-attestations.

III. Homeowner Needs

A. Data Driven Assessment of Homeowner Need

The HTPRC conducted a survey of homeowner needs regarding necessary home repairs and rehabilitation. Survey respondents indicated that there is a need for a variety of repair items needed to maintain or upgrade the habitability of their homes, with an average of 3.33 categories of repair items per home. The need is deemed to be so acute that the HTPRC is directing 100% of HAF funds for home repairs and rehabilitation.

B. Performance Goals

The Tribe seeks to provide assistance to homeowners to the extent that funding is available. It is estimated that funding may provide assistance to 20% of eligible homeowners needing repairs or rehabilitation to their primary residences. The Tribe is supplementing the HAF funding with an award from its State and Local Fiscal Recovery Fund to provide assistance to additional homeowners.

1. Targeted Income
 - a. Not less than 60% of amounts made available to each HAF participant must be used for qualified expenses that assist homeowners having incomes equal to or less than 100% of the area median income or equal to or less than 100% of the median income for the United States, whichever is greater. Any amount not made available to homeowners that meet this income-targeting requirement must be prioritized for assistance to socially disadvantaged individuals, with funds remaining after such prioritization being made available for other eligible homeowners.
2. Targeted HAF program assistance activities: per data collected in the application:
 - a. Utility Assistance: HTPRC is not utilizing HAF funds toward Utility Assistance.
 - b. Mortgage Assistance: HTPRC is not utilizing HAF funds toward Mortgage Assistance.
 - c. Home Repairs and Rehabilitation: HTPRC is utilizing 100% of HAF funds toward Home Repairs and Rehabilitation.

IV. Program Design

A. General Eligibility

An "Eligible Homeowner" to receive amounts allocated to a HAF participant under this plan must have:

1. Experienced a financial hardship after January 21, 2020 (including hardship that began before January 21, 2020, but continued after that date)
 - a. Financial Hardships: means a material reduction in income or material increase in living expenses associated with the Coronavirus pandemic that has created or increased a risk of mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner;
2. Income that equals to or is less than 150% of the AMI (as described in HUD ONAP Program Guidance 2022-01).

B. Tribal Eligibility

1. Applicant must be an enrolled member of The Hopi Tribe or non-member head of household with Hopi Tribe member spouses, significant others, or Hopi Tribe member children residing within the Hopi Indian Area.
2. The HTPRC **may** provide assistance to other Indians that meet all HAF eligibility requirements and are enrolled members of any federally recognized Tribe, living outside the boundaries of The Hopi Tribe, as determined eligible by the Verification Specialists, provided these individuals are not already receiving assistance from another Tribe, Tribally Designated Housing Entity (“TDHE”), State or local government.
3. The HTPRC reserves the right to contract with other Federally Recognized Tribes who are recipients of the U.S. Department of Treasury Homeowners Assistance Funds (see sections 3 and 4 of Administration for additional information) to serve as the program subrecipient to administer their HAF program.

C. Indian Area

1. Homeowners must reside on Hopi lands.
2. Area of service must be consistent with the Tribe’s identified Indian Area.

D. Determining Eligibility

The HTPRC HAF Verification Specialists shall be responsible for determining applicant eligibility. Eligibility is determined through the following procedures:

1. Proof of Homeownership
 - a. Homeowner must provide documentation of one of the following documents:
 - i. Deed;
 - ii. Title;
 - iii. Sales Agreement;
 - iv. Loan Documents;
 - v. Homeowner’s Insurance; or
 - vi. Verification from local government.
 - b. Homeowner must certify that the dwelling is the homeowner’s **primary residence**.
2. Financial Hardships due to COVID-19
 - a. *Unemployment*: Applicants receiving unemployment benefits will need to provide:
 - i. Current unemployment benefit statement; or
 - ii. Statement from the employer verifying loss of employment due to COVID-19.
 - b. *Reduction of Household Income*: Applicants who have experienced a reduction of household income will need to provide:
 - i. Employer verifying reduction of hours or pay; or
 - ii. Provide a signed Declaration of Need describing the applicant’s current situation and reason for need.

- c. *Incurred Significant Costs or Financial Hardship*: Applicants who have incurred significant costs (e.g., medical bills including medications and equipment due to COVID-19) or Financial Hardship (e.g., increased utility usage due to Stay at Home/Shelter in Place Order in effect) shall provide:
 - i. Proof of increased expenses (i.e., Tracked Usage on Utility Bill, medical receipts, statement from medical provider, share of costs determination, etc.); or
 - ii. Provide a signed Declaration of Need.
- 3. Risk of Experiencing Homelessness or Housing Instability
 - a. *Risk of experiencing Homelessness*: Applicants are to provide:
 - i. [Removed];
 - ii. [Removed]; or
 - iii. Provide a signed Declaration of Need describing the applicant's current situation and reason for need.
- 4. Household Income **at or below 150%** Area Median Income
 - a. See "Income" as described below
- 5. Applicants must be a member of one of the Tribes listed in section III. Program Design, Tribal Eligibility B.2.
 - a. Applicants are to provide:
 - i. Tribal Enrollment Certification

E. Income

Household income defined for the purposes of the HAF program will be documented and verified using the following procedure:

1. *Definition of Income*: With respect to each household applying for assistance, awardees may choose between using HUD's definition of "annual income" in 24 CFR 5.6091 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes.
2. *Methods for Income Determination*: The Act provides that awardees may determine income eligibility based on either
 - a. The household's total income for calendar year 2021, or
 - b. Sufficient confirmation of the household's monthly income at the time of application, as determined by the Secretary of the Treasury (Secretary). If an awardee uses a household's monthly income to determine eligibility, the awardee should review the monthly income information provided at the time of application and extrapolate over a 12-month period to determine whether household income exceeds 80 percent of area median income. For example, if the applicant provides income information for two months, the awardee should multiply it by six to determine the annual amount. If a household qualifies based on monthly income, the awardee must redetermine the household income eligibility every three months for the duration of assistance.

- i. **EXAMPLE OF MONTHLY METHOD:**
 1. Applicant provides income for 2 months
 2. Month 1 income amount = \$2,000
 3. Month 2 income amount = \$4,000
 4. total Month 1 and 2 income amount ($\$2,000 + \$4,000 = \$6,000$)
 5. Divide \$6,000 by 2 ($\$6,000 / 2 = \$3,000$)
 6. Calculate annual gross income ($\$3,000 \times 12 \text{ months} = \$36,000$)
 7. Compare annual gross income to area median income limits to determine income eligibility
 8. If a household qualifies based on monthly income, the HTPRC staff shall redetermine the household income eligibility every 3 months for the duration of assistance.
- c. *Documentation of Income Determination:* Awardees must have a reasonable basis under the circumstances for determining income. Except as discussed below, this generally requires a written attestation from the applicant as to household income and documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer. As discussed below, under limited circumstances, an awardee may rely on a written attestation from the applicant without further documentation of household income. Awardees have discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the pandemic, or a lack of technological access. In these cases, the awardee is still responsible for making the required determination regarding the applicant's household income and documenting that determination.
- d. *Categorical Eligibility:* If an applicant's household income has been verified to be at or below 80 percent of the area median income in connection with another local, state, or federal government assistance program, awardees are permitted to rely on a determination letter from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after January 1, 2020.
- e. *Declaration of Need:* To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, awardees may accept a written attestation from the applicant regarding household income. If such a written attestation without further documentation is relied on, the awardee must reassess household income for such household every three months. In appropriate cases, awardees may rely on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

- f. *Definition of Area Median Income:* The area median income for a household is the same as the income limits for families used by the Tribe as defined by HUD ONAP in Program Guidance No. 2022-01.

- a. *See Income Limits below (Please Note: 100% AMI is only listed for the purposes of calculating other percentages of income) **APPLICANTS OVER 150% AMI ARE INELIGIBLE***

%	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
80%	\$50,400	\$57,600	\$64,800	\$72,000	\$77,800	\$83,600	\$89,300	\$95,100
100%	\$63,000	\$72,000	\$81,000	\$90,000	\$97,200	\$104,400	\$111,600	\$118,800
150%	\$94,500	\$108,000	\$121,500	\$135,000	\$145,800	\$156,600	\$167,400	\$178,200

F. Preference

Preference is to be given to Socially Disadvantaged Individuals. It has been determined that through historical injustices and social and economic disparities that when serving Tribal populations, we are serving populations that are innately deemed Socially Disadvantaged and are therefore meeting the preference requirements. Preference is hereafter identified as:

1. The HTPRC will prioritize assistance to households with:
 - a. Income less than 100% Area Median Income and
 - b. HAF Participants who have Section 184 Indian Home Loan Guarantee Program (Section 184), Federal Housing Administration (FHA), Department of Veterans (VA) or U.S. Department of Agriculture (USDA) mortgages and homeowners who have mortgages made with the proceeds of mortgage revenue bonds or other mortgage programs that target low- and moderate-income borrowers;
 - c. Additionally, the HTPRC will prioritize households with elders, households with children and households with disabled members to receive assistance.
2. The HTPRC has established the following preference system for assistance that prioritizes assistance to households with:
 - a. Streamlining verification processes;
 - b. Prioritizing Applicant on the Hopi Tribal Housing Authority (“HTHA”) Waiting List;
 - c. Providing HAF program assistance first to eligible households that meet the preference for prioritizing assistance (as described in Section F.1 above).

G. Eligible Assistance

1. HAF Program Assistance is limited to the below described Homeowner Activities:
 - a. *Utilities and Home Energy Costs and Arrears*
 1. [Removed].
 - b. Mortgage Related Assistance
 - i. Mortgage Arrears
 1. [Removed];
 2. [Removed].
 - ii. [Removed].

- c. Home Repairs and Rehabilitation
 - i. Measures to prevent homeowner displacement, such as home repairs to maintain the habitability of a home, which includes measures that allow displaced homeowners to return to their homes.
 - ii. Rehabilitation requests are limited to on-reservation homeowner applications.
 - a. Such examples of “Home Repairs and Rehabilitation” include:
 - a. Accessibility need modifications;
 - b. Heating and Cooling upgrades or repairs;
 - c. Weatherization;
 - d. Roof Replacements;
 - e. Structural upgrades or repairs;
 - f. Upgrades or repairs to systems such as plumbing or electrical;
 - g. Measures to address overcrowding in the unit; or
 - h. Other repairs related to the habitability of the home.
- d. The HTPRC may provide HAF Program Assistance for other expenses related to homeownership incurred due, directly, or indirectly, to the COVID-19 outbreak as defined by the Secretary. Other expenses may include:
 - i. [Removed]; and
 - ii. The HTPRC shall consider the cost effectiveness of offering assistance for this purpose as compared to other uses. If a household is eligible for an existing program with narrower eligibility criteria that can provide similar assistance, the Tribe should utilize such programs prior to providing similar assistance under HAF.
- e. Payments under HAF are provided to help households needing housing costs that they are unable to meet as a result of the COVID-19 Pandemic.
- f. If any of the above listed eligible expenses occurred for an eligible household after January 21, 2020, the household or Homeowner Housing Rehabilitation program may be reimbursed.
- g. **HOME MUST BE THE HOMEOWNER’S PRIMARY RESIDENCE OR THE DISPLACED HOMEOWNER’S PRIMARY RESIDENCE AFTER IT IS MADE HABITABLE.**
- h. Applicants must reside on Tribal Lands.

H. Terms of Service

1. HAF program total months of assistance provided to a homeowner cannot exceed twelve (12) months.
 - a. Terms of Services shall be determined on a Case-by-Case evaluation.
2. Payment for Home Repairs and Rehabilitation cannot exceed \$30,000 for repairs.
 - a. If a homeowner is requesting multiple repairs, the HTPRC will work with the homeowner to determine which repairs are to be top priorities;
 - i. Repairs related to health and safety will be prioritized;
 - ii. If the high-priority repair cost estimate exceeds \$30,000, the homeowner will have the option to contribute his or her own funds to complete the repairs.

I. Application Requirements

Procedures for completing the application are as follows:

1. Obtain an application (<https://www.hopi-nsn.gov/hopi-tribe-pandemic-recovery-committee/> or contact the HTPRC directly)
2. Complete all required sections within the application. Applications missing signatures or information will be considered incomplete.
 - a. Applicant must be an enrolled member of The Hopi Tribe or non-member head of household with Hopi Tribe member spouses, significant others, or Hopi Tribe member children residing within the Hopi Indian Area;
 - b. Applicant must provide full name, date of birth, social security number and Hopi Tribal member enrollment number (if applicable) of the applicant and of all members of Applicant's household;
 - c. Applicant must reside within the Hopi Lands;
 - d. Applicant must provide proof of homeownership:
 - i. Title; or
 - ii. Deed of Trust; or
 - iii. Sales Agreement; or
 - iv. Homeowners Insurance; or
 - v. Verification from local government;
 - e. Applicant must attest that the home is his/her primary residence;
 - f. Applicant must provide Information and supporting documentation demonstrating that one (1) or more individuals within the household has:
 - i. Qualified for unemployment benefits, or
 - ii. Experienced a reduction in household Income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 pandemic;
 - g. **Income verification:** Information and supporting documentation (such as tax returns, W-2 forms, 1099 forms, pay stubs, employment verification forms, public assistance forms, social security/SSI forms, child support forms, unemployment benefits statements, pension or annuity statements, notarized self-employment forms, etc.) demonstrating the Applicant has a household Income that is not more than 150 percent of the Area Median Income for the household;
 - h. If an applicant is requesting Mortgage Assistance, applicant must submit:
 - i. [Removed]
 - ii. [Removed]
 - iii. [Removed];
 - i. If an applicant is requesting Utility Assistance, applicant must submit:
 - i. [Removed]
 - ii. [Removed];
 - j. If an applicant is requesting Home Repairs or Rehabilitation, applicant must submit:
 - i. Evidence regarding unsafe or unhealthy living conditions;

- ii. A minimum of 2 quotes from a Licensed Contractor; or
- iii. Request an assessment from the HTPRC to check the requested items to be repaired (subject to time availability of staff or contracted service provider);
- iv. Identify whether there are disability accessibility needs;
- v. Identify whether there are children or elders residing in the home;
- k. **Falsification:** If it is discovered that an Applicant has falsified his or her Application, or otherwise abused the HAF Program, or if a Recipient fails to notify the HTPRC of changes to the household's eligibility, the household will be subject to penalties. Penalties will include ineligibility for continued participation in the HAF Program and repayment of the value of any benefit that they were not eligible to receive. The Tribe shall have the right to seek such repayment through garnishment of the Tribal Member's wages, if any.

J. Documentation Exceptions

Due to challenges presented by the COVID-19 pandemic, the HTPRC will exercise flexibility when necessary and may use documentation such as photocopies or digital images of documents, e-mails, or attestations from employers, lenders, caseworkers, or others with knowledge of the household's circumstances. The HTPRC will apply flexibility under the following circumstances:

1. Third party verification has been unsuccessful;
2. Verification is delayed or unavailable;
3. Other circumstances as determined on a case-by-case basis by program staff, such as:
 - a. place of employment has closed;
 - b. income has been received in cash;
 - c. no qualifying income; or
 - d. other as determined on a case-by-case basis.
4. If such a written attestation without further documentation is relied on, HTPRC staff shall reassess household income for such household every three months.
5. Attestation from a caseworker or other professional with knowledge of a household's circumstances may be used as a last resort by HTPRC staff to certify that an applicant's household income qualifies for assistance.

K. Application Review

1. The HTPRC staff member receiving the Application shall sign and date the Application when it is received at the Tribal offices. Applications submitted through the secure portal will be electronically signed and stamped with the date and time.
2. **Preferences and Priorities:** Applications will be reviewed and processed as they are received. However, in anticipation of the HTPRC receiving a substantial number of applications within a short period of time, with a finite amount of funding available, the HTPRC shall review and process Applications under this Policy according to the following order of preferences:
 - a. Households with members of vulnerable populations, such as children, elders and people with disabilities;

- b. Households with one or more individuals within the household who are unemployed as of the date of the Application for assistance and have not been employed for the 90-day period preceding such date.

L. Approvals

1. Once an applicant is determined eligible for services, the application will be reviewed by the Project Coordinator, to either approve or deny services.
2. The Project Coordinator has the authority for final approval of applicants considered for the program.
3. **Approval of Application:** The HTPRC will notify Applicants electronically or in writing, within fourteen (14) days of the HTPRC's receipt of the Application, of the Tribe's decision of whether the Applicant has been approved.
4. **Denial of Application:** If upon initial review, the Tribe determines that the Applicant is not eligible or the request is outside of this Policy, or there are no longer any HAF Program Funds available, the Tribe will notify the Applicant electronically or in writing of this determination, the applicable policies that support the determination, and the process of appeal.
5. **Process of Appeal:** Any Applicant who is dissatisfied with a decision of the HTPRC concerning eligibility for assistance, the level of benefit approved, or the type of services available, can appeal that decision as noted in the determination letter.
6. **No Appeal:** If the reason for the denial of the Application is that there are no longer any HAF Program Funds remaining, such denial is not subject to appeal.

M. Data Retained

Treasury has identified the following to be tracked and reported on throughout the award funding period:

1. Number of unique Homeowners that received HAF assistance and subset that are classified as Socially Disadvantaged and less than 100% Area Median Income (AMI)
2. Homeowners that received HAF assistance disaggregated by Program Design Element
3. Date HAF participant started accepting HAF applications (or will begin)
4. Number of unique Homeowners that submitted a draft or completed HAF application for HAF assistance during the reporting period.
5. Number of unique Homeowners that submitted a completed HAF application for HAF assistance during the reporting period.
6. Demographic data of homeowners (e.g., race, gender, ethnicity, limited English proficiency, income, targeting, and mortgage types)
7. [Removed]
8. Amount of assistance provided to Homeowners disaggregated by Program Design Element

N. Reporting

The HTPRC will also report through the quarterly reporting requirements under section 501(g) of Division N of the Act and its ongoing monitoring and oversight responsibilities. Awardees should anticipate the need to collect from households and retain records on the following:

1. Address of the unit
2. [Removed]
3. [Removed]
4. [Removed]
5. Total amount of each type of assistance provided to each household (i.e., mortgage arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing incurred due directly or indirectly to the COVID-19 outbreak)
6. [Removed]
7. [Removed]
8. Household income and number of individuals in the household
9. Gender, race, and ethnicity of the primary applicant for assistance

O. Publications

Any publications produced with the U.S. Department of Treasury Homeowners Assistance Fund program must display the following language: “This project is being supported, in whole or in part, by federal award number HAF0313 awarded to The Hopi Tribe by the U.S. Department of the Treasury.”

V. Compliance with Applicable Laws and Regulations

A. Compliance with Applicable Law and Regulations.

1. Recipient agrees to comply with the requirements of Section 501 and Treasury interpretive guidance regarding such requirements. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance in any agreements it enters into with other parties relating to this award.
2. Federal regulations applicable to this award include, without limitation, the following:
 - a. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F - Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - b. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25 and pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - c. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.

- d. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement), 2 C.F.R. Part 180 (including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - e. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - f. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - g. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - h. Funds for payment of a debt must not come from other federally sponsored programs.
3. Disclaimer.
- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
 - b. The acceptance of this award by Recipient does not in any way constitute an agency relationship between the United States and Recipient.
4. Protections for Whistleblowers.
- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to any of the list of persons or entities provided below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or award.
 - b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or award oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; and/or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
 - viii. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

5. Increasing Seat Belt Use in the United States.
 - a. Pursuant to Executive Order 13043, 62 FR 19217 (April 8, 1997), Recipient should and should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
6. Reducing Text Messaging While Driving.
 - a. Pursuant to Executive Order 13513, Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

B. Recoup of HAF Funds

1. The U.S. Department of Treasury may recoup HAF funds from an awardee if the awardee does not comply with the applicable limitations on the use of those funds.