

Landholding Agency: Air Force  
 Property Number: 18201240026  
 Status: Excess  
 Directions: 16, 35, 28  
 Comments: Located on secured area; public access denied & no alternative methods to gain access w/out compromising nat'l security  
 Reasons: Secured Area

New Jersey  
 2 Buildings  
 JBMDL  
 Ft. Dix NJ 08640  
 Landholding Agency: Air Force  
 Property Number: 18201240019  
 Status: Unutilized  
 Directions: 8679, 2316  
 Comments: Secured post; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

New Mexico  
 Buildings 782, 793, 1102, 803  
 Holloman AFB  
 Holloman NM 88330  
 Landholding Agency: Air Force  
 Property Number: 18201240008  
 Status: Unutilized  
 Comments: Active military installation; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

5 Buildings  
 Cannon AFB  
 Cannon NM 88103  
 Landholding Agency: Air Force  
 Property Number: 18201240031  
 Status: Unutilized  
 Directions: 381, 799, 2112, 2382, 258  
 Comments: Located on AF controlled installation; restricted to authorized personnel only; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

Oklahoma  
 Facility 47  
 501 North First St.  
 Altus OK 73523  
 Landholding Agency: Air Force  
 Property Number: 18201240022  
 Status: Excess  
 Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

4 Buildings  
 Altus AFB  
 Altus OK 73523  
 Landholding Agency: Air Force  
 Property Number: 18201240023  
 Status: Unutilized  
 Directions: 165, 65, 72, 48  
 Comments: Secured area; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

Oregon  
 Building 1004  
 6801 NE Cornfoot Rd.  
 Portland OR 97218

Landholding Agency: Air Force  
 Property Number: 18201240025  
 Status: Unutilized  
 Comments: Located on secured area; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

Tennessee  
 Building 712  
 240 Knapp Blvd.  
 Nashville TN 37217  
 Landholding Agency: Air Force  
 Property Number: 18201240024  
 Status: Excess  
 Comments: Located on secured area; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

Wyoming  
 3 Buildings  
 FE Warren AF  
 Cheyenne WY 82005  
 Landholding Agency: Air Force  
 Property Number: 18201240020  
 Status: Unutilized  
 Directions: 1166, 2277, 835  
 Comments: Restricted area; public access denied & no alternative method to gain access w/out compromising nat'l security  
 Reasons: Secured Area

[FR Doc. 2012-29925 Filed 12-13-12; 8:45 am]  
**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5635-N-02]

### Federally Mandated Exclusions from Income: Republication of Corrected Listing

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD's regulations provide that HUD will periodically publish a **Federal Register** notice listing the amounts specifically excluded by any Federal statute from consideration as income for purposes of determining eligibility or benefits. On July 24, 2012, HUD published a notice in the **Federal Register** that listed those exclusions and listed federal statutes that require certain income sources to be disregarded with regard to specific HUD programs. The July 24, 2012, notice updated the list of exclusions last published on April 20, 2001, by amending, removing, and adding exclusions. Today's notice corrects errors and an omission in the July 24, 2012, notice. For the convenience of the public, the Department is publishing a corrected version of the July 24, 2012, notice in its entirety.

**FOR FURTHER INFORMATION CONTACT:** For the Rent Supplement, section 236, and Project-based section 8 programs administered under 24 CFR parts 880, 881, and 883 through 886: Catherine Brennan, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Room 6138, Washington, DC 20410, telephone number 202-401-7914. For other section 8 programs administered under 24 CFR part 882 (Moderate Rehabilitation) and under part 982 (Housing Choice Voucher), and the Public Housing Programs: Shauna Sorrells, Director, Office of Public Housing Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4206, Washington, DC 20410, telephone number 202-402-2769, or the Public and Indian Housing Information Resource Center at 1-800-955-2232. For Indian Housing Programs: Rodger Boyd, Deputy Assistant Secretary, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4126, Washington, DC 20410, telephone number 202-401-7914. With the exception of the telephone number for the PIH Information Resource Center, these are not toll-free numbers. Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339 or by visiting <http://federalrelay.us/> or <http://www.federalip.us/>.

**Please note:** Members of the public who are aware of other federal statutes that require any benefit not listed in this notice to be excluded from consideration as income in these programs should submit information about the statute and the benefit program to one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section above. Members of the public may also submit this information to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

**SUPPLEMENTARY INFORMATION:** Under several HUD programs (Rent Supplement under 24 CFR 200.1303 (although loans in existence immediately before May 1, 1996, continue to be governed by 24 CFR part 215 (1995 ed.)); Mortgage Insurance and Interest Reduction Payment for Rental Projects under 24 CFR part 236; section 8 Housing Assistance programs; Public Housing programs), the definition of income excludes amounts of other

benefits specifically excluded by federal law.

HUD published a **Federal Register** notice on July 24, 2012 (77 FR 43347) that updated the list of exclusions last published on April 20, 2001 (66 FR 20318). Today's notice corrects errors and an omission in the July 24, 2012, notice. For the convenience of the public, the Department is republishing a corrected version of the July 24, 2012 notice in its entirety, and updates the list of federally mandated exclusions last published on April 20, 2001 to include the following:

(1) Assistance from section 1780 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(e)) and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1780(b));

(2) Payments from the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f);

(3) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts;

(4) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation in programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 *et seq.*) and administered by the Office of Native American Programs;

(5) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.); and

(6) Federal major disaster and emergency assistance provided to individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).

### Background

In certain HUD-subsidized housing programs, annual income is a factor in determining eligibility and the level of benefits. Annual income is broadly defined as the anticipated total income from all sources received by every family member. HUD excludes certain types of benefits from applicants' and participants' annual income, as listed in 24 CFR 5.609, this notice, or otherwise specified by statute.

Federal statutes that require certain income sources be disregarded as income are universally applicable to all HUD programs where income is a factor in determining eligibility and benefits. Other federal statutes specify that income exclusions are specific to certain HUD programs.

### Changes to the Previously Published List

*Exclusions Amended:* Exclusion (viii) in the updated list below has been clarified to describe its applicability to section 8 programs.

*Exclusions Removed:* Certain exclusions from the previously published list have been removed because they have been repealed by Congress. These exclusions are as follows:

1. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)). When the Workforce Investment Act was enacted in 1998, it simultaneously repealed the Job Training Partnership Act. The exclusion that still applies to HUD programs is listed as exclusion (xvii) in the updated list below.

2. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran. This exclusion was repealed by Public Law 106-419 in 2000.

*Exclusions Added:* The exclusions that are being added to the previously published list are as follows:

1. Section 1780 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(e)) and section 11(b) of the Child Nutrition Act of 1996 (42 U.S.C. 1780(b)) provide that the value of benefits to children under each of the respective Acts shall not be considered income or resources for any purpose under any Federal or state laws.

The effective date of this provision was October 11, 1966. This exclusion is added to the list as paragraph (xviii).

2. Section 8 of the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b)), provides: None of the payments, funds or distributions authorized, established, or directed by this Act, and none of the income derived therefrom, shall affect the eligibility of the Seneca Nation or its members for, or be used as a basis for denying, or reducing funds under any Federal program.

The effective date of this provision was November 3, 1990. This exclusion is added to the list as paragraph (xix).

3. Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289), amended the definition of

annual income in section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437) to exclude payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts. The law provides:

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered."

This exclusion is applicable only to the section 8 and Public Housing programs. The effective date of this provision was July 30, 2008. This exclusion is added to the list as paragraph (xx).

4. Section 2 of the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269, approved October 12, 2010), amended the definition of income contained in section 4 of NAHASDA (25 U.S.C. 4103(9)) to exclude compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation. The law provides:

Paragraph (9) of section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4103(9)) is amended by adding at the end the following new subparagraph: "(C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title."

This exclusion only applies to the programs authorized under NAHASDA and administered by the Office of Native American Programs. The effective date of this provision was October 12, 2010. This exclusion is added to the list as paragraph (xxi).

5. The Claims Resolution Act of 2010 (Pub. L. 111-291), excludes a lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.). The law provides in subsection (f) of section 101:

Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or

a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

- (A) As income for the month during which the amounts were received; or
- (B) As a resource.

The effective date of this provision was December 8, 2010. This exclusion is added to the list as paragraph (xxii).

6. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) provides that amounts received under the Act and comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).

The effective date of this provision was November 23, 1988. This exclusion is added to the list as paragraph (xxiii).

#### Updated List of Federally Mandated Exclusions From Income

The following updated list of federally mandated exclusions republishes and corrects the notice published in the **Federal Register** on July 24, 2012. The following list of program benefits is the comprehensive list of benefits that currently qualify for the income exclusion in either any federal program or in specific federal programs. Exclusions (viii), (xiii), (xx), and (xxi) have provisions that apply only to specific HUD programs.

(i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

(ii) Payments to Volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f)(1), 5058);

(iii) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

(iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

(v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

(vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, section 6);

(vii) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court,

the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407);

(viii) Amounts of scholarships funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if that individual is over the age of 23 with dependent children (Pub. L. 109–115, section 327)(as amended);

(ix) Payments received from programs funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);

(x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101–201) or any other fund established pursuant to the settlement in *In Re Agent Orange Liability Litigation*, M.D.L. No. 381 (E.D.N.Y.);

(xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420, 25 U.S.C. 1721);

(xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

(xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(l));

(xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);

(xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

(xvi) Any amount of crime victim compensation (under the Victims of

Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602(c));

(xvii) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2));

(xviii) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

(xix) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));

(xx) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437A) by section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289);

(xxi) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under NAHASDA and administered by the Office of Native American Programs;

(xxii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F. Supp. 2d 10 (Oct. 5, 2011 D.D.C.), as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291); and

(xxiii) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).

Dated: December 10, 2012.  
**Aaron Santa Anna,**  
*Assistant General Counsel, Regulations Division.*  
 [FR Doc. 2012-30210 Filed 12-13-12; 8:45 am]  
**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-HQ-MB-2012-N285; FF09M21200-234-FXMB1232099BPP0]

**Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Depredation Orders for Double-Crested Cormorants**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the

ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on January 31, 2013. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

**DATES:** You must submit comments on or before January 14, 2013.

**ADDRESSES:** Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395-5806 (fax) or *OIRA\_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 2042-PDM, 4401 North Fairfax Drive, Arlington, VA 22203 (mail), or *hope\_grey@fws.gov*

(email). Please include "1018-0121" in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Hope Grey at *hope\_grey@fws.gov* (email) or 703-358-2482 (telephone). You may review the ICR online at <http://www.reginfo.gov>. Follow the instructions to review Department of the Interior collections under review by OMB.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 1018-0121.  
*Title:* Depredation Orders for Double-Crested Cormorants, 50 CFR 21.47 and 21.48.  
*Service Form Number(s):* None.  
*Type of Request:* Extension of a currently approved collection.  
*Description of Respondents:* Aquaculture producers, States, and tribes.  
*Respondent's Obligation:* Required to obtain or retain a benefit.  
*Frequency of Collection:* Annually for reports; ongoing for recordkeeping.

Activity	Number of respondents	Number of responses	Completion time per response (hours)	Total annual burden hours
Report take of migratory bird species other than double-crested cormorants (21.47(d)(7); 21.48(d)(7))	1	1	1	1
Report take of species protected under Endangered Species Act (21.47(d)(8); 21.48(d)(8))	1	1	1	1
Written notice of intent to conduct control activities (21.48(d)(9))	12	12	3	36
Report of control activities (21.48(d)(10) and (11))	12	12	20	240
Report effects of management activities (21.48(d)(12))	9	9	75	675
Recordkeeping (21.47(d)(9))	325	325	7	2,275
<b>Totals</b>	<b>360</b>	<b>360</b>		<b>3,228</b>

**Abstract:** This information collection is associated with regulations implementing the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*). Under the MBTA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, migratory birds or their parts, nests, or eggs, except as authorized by regulations implementing the MBTA.

The regulations in the Code of Federal Regulations (CFR) at 50 CFR 21.47 (Aquaculture Depredation Order) authorize aquaculture producers and the U.S. Department of Agriculture (APHIS-Wildlife Services) in 13 States to take double-crested cormorants when the birds are found committing or about to commit depredations on commercial freshwater aquaculture stocks. The regulations at 50 CFR 21.48 (Public Resource Depredation Order) authorize State fish and wildlife agencies, APHIS-Wildlife Services, and federally

recognized tribes in 24 States to take double-crested cormorants to prevent depredations on the public resources of fish, wildlife, plants, and their habitats.

Both 50 CFR 21.47 and 21.48 impose reporting and recordkeeping requirements on those operating under the depredation orders. We use the information collected to:

- Help assess the impact of the depredation orders on double-crested cormorant populations.
- Protect nontarget migratory birds or other species.
- Ensure that agencies and individuals are operating in accordance with the terms, conditions, and purpose of the orders.
- Help gauge the effectiveness of the orders at mitigating cormorant-related damages.

**Comments:** On July 9, 2012, we published in the **Federal Register** (77 FR 40374) a notice of our intent to request that OMB renew approval for

this information collection. In that notice, we solicited comments for 60 days, ending on September 7, 2012. We received one comment. The commenter objected to APHIS-Wildlife Services being included as an action agency under the depredation orders, but did not address the information collection requirements. We did not make any changes to our requirements based on this comment.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and