

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Aaron Apte, Stanford University: The Division of Research Investigations of the Office of Research Integrity (ORI), reviewed an investigation conducted by Stanford University into possible scientific misconduct on the part of Mr. Aaron Apte, a former technician in the Department of Cardiovascular Surgery. Mr. Apte and his research were supported by U.S. Public Health Service grants. ORI concluded that Mr. Apte fabricated data for research, by cutting from a former coworker's notebook a scintillation counter printout, pasting it into his own notebook, and representing it as his own results from a different experiment on the binding of angiotensin to transfected cells. Mr. Apte has been debarred from eligibility for and involvement in grants as well as other assistance awards and contracts from the Federal Government for a period of three years. The fabricated research did not appear in any publications.

FOR FURTHER INFORMATION, CONTACT:

Director, Division of Research Investigations, Office of Research Integrity, 301-443-5330.

Lyle W. Bivens, Ph.D.,

Director, Office of Research Integrity.

[FR Doc. 95-3901 Filed 2-15-95; 8:45 am]

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Administration for Children and Families

[Program Announcement No. OCS 95-10]

Family Violence Prevention and Services Program

AGENCY: Office of Community Services, Administration for Children and Family (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of the availability of funds for State domestic violence coalitions for grants for family violence intervention and prevention activities.

SUMMARY: This announcement governs the proposed award of fiscal year (FY) 1995 formula grants under the Family Violence Prevention and Services Act

(FVPSA) to private non-profit State domestic violence coalitions. The purpose of these grants is to assist in the conduct of activities to promote domestic violence intervention and prevention and to increase public awareness of domestic violence issues.

This announcement sets forth the application process and requirements for grants to be awarded for FY 1995. It also specifies a new expenditure period for grant awards and sets forth the application process and requirements for grants to be awarded for FY 1996 through FY 2000.

CLOSING DATES FOR APPLICATIONS:

Applications for FY 1995 family violence grant awards meeting the criteria specified in this announcement must be received no later than April 17, 1995. Grant applications for FY 1996 through FY 2000 should be received at the address specified below by November 1 of each subsequent fiscal year.

ADDRESSES: Applications should be sent to: Department of Health and Human Services Office of Community Services, Administration for Children and Families, Attn: William D Riley, Fifth Floor—West Wing, 370 L'Enfant Promenade, SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT:

William D. Riley (202) 401-5529 or Al M. Britt (202) 401-5453.

Introduction

This notice for family violence prevention and services grants to State Domestic Violence Coalitions serves two purposes. The first is to confirm a Federal commitment to reducing family and intimate violence and to urge States, localities, cities, and the private sector to become involved in State and local planning efforts leading to the development of a more comprehensive and integrated service delivery approach (Part I). The second purpose is to provide information on application requirements for FY 1995 grants to State Domestic Violence Coalitions. These funds will support coordination efforts, prevention activities, and the efforts to the public awareness of domestic violence issues and services for battered women and their children (Part II).

Part I. Reducing Family and Intimate Violence Through Coordinated Prevention and Services Strategies

A. The Importance of Coordination of Services

A person facing family or intimate violence may need more than immediate medical care and shelter. Assured protection and effective

support are essential to end ongoing abuse.

The effects of domestic violence may manifest themselves in varying forms, including: Substance abuse, hopelessness, arrest, felony charges, mental health concerns, injuries, lost time at work, child abuse, and welfare dependence. When programs that seek to address these issues operate independently of each other, a fragmented, and consequently less effective, service delivery and prevention system may be the result. Coordination and collaboration among the police, prosecutors, the courts, victim services providers, child welfare and family preservation services, and medical and mental health service providers is needed to provide more responsive and effective services to victims of domestic violence and their families. It is essential that all interested parties are involved in the design and improvement of protection and services activities.

To help bring about a more effective response to the problem of intimate violence, the Department of Health and Human Services (HHS) urges State Domestic Violence Coalitions receiving funds under this grant announcement to coordinate activities funded under this grant with other new and existing resources for family and intimate violence and related issues.

B. Coordination of Efforts

1. Federal Coordination

In the fall of 1993, a Federal Interdepartmental Work Group (including the Departments of Health and Human Services, Justice, Education, Housing and Urban Development, Labor, and Agriculture) began working together to study cross-cutting issues related to violence, and to make recommendations for action in areas such as youth development, schools, juvenile justice, family violence, sexual assault, firearms, and the media. The recommendations formed a framework for ongoing policy development and coordination within and among the agencies involved.

The interdepartmental working group also initiated a "Cities Project" (now known as PACT, Pulling America's Communities Together) to help coordinate Federal assistance to four geographic areas (Denver; Atlanta; Washington, D.C.; and the State of Nebraska) as they develop comprehensive plans for violence prevention and control.

Based on these coordination efforts, a new interdepartmental strategy was developed for implementing the

programs and activities recently enacted in the Violent Crime Control and Law Enforcement Act of 1994 (Crime Bill). A Steering Committee on Violence Against Women is coordinating activities among family violence-related programs and across agencies and departments.

2. Opportunities for Coordination at the State and Local Level

The major domestic violence prevention activities funded by the Federal government focus on law enforcement and justice system strategies; victim protection and assistance services; and prevention activities, including public awareness and education. Federal programs also serve related needs, such as housing, family preservation and child welfare services, substance abuse treatment, and job training.

We want to call to your attention two major programs, recently enacted by Congress, that provide new funds to expand services and which require the involvement of State agencies, Indian tribes, State Domestic Violence Coalitions, and others interested in prevention and services for victims of domestic violence. These programs are: Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women, administered by the Department of Justice, and the Family Preservation and Support Services program, administered by DHHS. Both programs (described in detail below) require State agencies and Indian tribes administering them to conduct an inclusive, broad-based, comprehensive planning process at the State and community level.

We urge State Domestic Violence Coalitions to participate in these service planning and decision-making processes; we believe the expertise and perspective of the family violence prevention and services field will be invaluable as decisions are made on how best to use these funds and design service delivery improvements.

(a) *Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women (DOJ)*. The Violence Against Women Act (VAWA), provides an opportunity to respond to violence against women in a comprehensive manner. It emphasizes the development of Federal, State and local partnerships to assure that offenders are prosecuted to the fullest extent of the law, that crime victims receive the services they need and the dignity they deserve, and that all parts of the criminal justice system have training and funds to respond effectively to both offenders and crime victims.

The Department of Justice is implementing a new formula grant program, which makes available \$26 million to States in FY 1995, to develop, strengthen, and implement effective law enforcement, prosecution, and victim assistance strategies. The program contemplates coordination within and across the criminal justice and service delivery systems, and will require the development of a coordinated, comprehensive approach to bring about changes in the way the justice system intervenes and responds to domestic violence and sexual assault. Such a coordinated approach will require a partnership and collaboration among the police, prosecutors, the courts, shelter and victims service providers, and medical and mental health professionals.

The Violence Against Women Act authorized a smaller discretionary program to be implemented by Indian tribes. The Department of Justice grant regulations and program guidelines will address the requirements of both the formula grant and the discretionary grant programs.

In order to be eligible for funds, States must develop a plan for implementation. As a part of the planning process, they must consult with nonprofit, nongovernmental victims' services programs including sexual assault and domestic violence victim services programs. DOJ expects that States will draw into the planning process the experience of existing family violence task forces and coordinating councils such as the State Domestic Violence Coalitions.

(b) *Family Preservation and Family Support Services Program (DHHS)*. In August 1993, Congress created a new program entitled "Family Preservation and Support Services" (Title IV-B of the Social Security Act).

Family preservation services include intensive services assisting families at-risk or in crisis, particularly in cases where children are at risk of being placed out of the home. Victims of family violence and their dependents are considered at-risk or in crisis.

Family support services include community-based preventive activities designed to strengthen parents' ability to create safe, stable, and nurturing home environments that promote healthy child development. These services also include assistance to parents themselves through home visiting and activities such as drop-in center programs and parent support groups.

In FY 1994, 100 percent Federal funds were available to State child welfare agencies and Indian Tribes to develop a

comprehensive five-year Child and Family Services Plan for FYs 1995-1999 (due by June 30, 1995).

To develop the service plans, most States currently are in the process of consulting with a wide range of public agencies and nonprofit private and community-based organizations that have expertise in administering services for children and families, including those with experience and expertise in family violence.

Part II. Family Violence Prevention and Services Grants Requirements

This section includes application requirements for family violence prevention and services grants for State Domestic Violence Coalitions and is organized as follows:

- A. Legislative Authority
- B. Background
- C. Eligibility
- D. Funds Available
- E. Expenditure Period
- F. Reporting Requirements
- G. Application Requirements
- H. Paperwork Reduction Act
- I. Executive Order 12372
- J. Certifications

A. Legislative Authority

Title III of the Child Abuse Amendments of 1984 (Pub. Law 98-457, 42 U.S.C. 10401 et seq.) is entitled the "Family Violence Prevention and Services Act" (the Act). The Act was first implemented in FY 1986, was reauthorized and amended in 1992 by Pub. L. 102-295, and was reauthorized and amended for fiscal Years 1995 through 2000 by Pub. L. 103-322, the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill), and signed into law on September 13, 1994.

B. Background

Section 311 of the Act authorizes the Secretary to award grants to statewide private non-profit State domestic violence coalitions to conduct activities to promote domestic violence intervention and prevention and to increase public awareness of domestic violence issues.

During FY 1994, the Department made grant awards to 50 State domestic violence coalitions, the District of Columbia, and the U.S. Virgin Islands. In FY 1995, grant awards will be again available to one statewide domestic violence coalition in each State, the U.S. Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

C. Eligibility

To be eligible for grants under this program announcement an organization

shall be a statewide private non-profit domestic violence coalition meeting the following conditions:

(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence operating within the State (a State domestic violence coalition may include representatives of Indian Tribes and Tribal organizations as defined in the Indian Self-Determination and Education Assistance Act);

(2) The Board of Directors' membership is representative of a majority of the programs for victims of domestic violence operating within the State; and

(3) The purpose of the coalition is to provide services, community education, and technical assistance to domestic violence programs in order to establish and maintain shelter and related services for victims of domestic violence and their children (Sec 311(b)).

D. Funds Available

The Department will make \$2,500,000 available for grants to State domestic violence coalitions. Grants of \$47,170 each will be available for the State domestic violence coalitions of the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia. The coalitions of the U.S. Territories (Guam, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and Trust Territory of the Pacific Islands (Palau)) are eligible for domestic violence coalition grant awards of approximately \$9,434 each.

On October 1, 1994, Palau became independent and a Compact of Free Association between the United States and Palau came into effect. This change in the political status of Palau has the following effect on the status of Palau's allocation:

In FY 95, Palau will receive 100% of its allocation. Beginning in FY 96, its share will be reduced as follows:

FY 96—not to exceed 75% of the total amount appropriated for such programs in FY 95;

FY 97—not to exceed 50% of the total amount appropriated for such programs in FY 95;

FY 98—not to exceed 25% of the total amount appropriated for such programs in FY 95;

E. Expenditure Period

Funds for FY 1995 through FY 2000 may be used for expenditures on and after October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year, i.e. FY 1995 funds may be

expended from October 1, 1994 through September 30, 1996.

We strongly recommend that State domestic violence coalitions keep a copy of this **Federal Register** notice for future reference. The requirements set forth in this announcement also will apply to State domestic violence coalition grants for FY 1996 through FY 2000. Information regarding any changes in available funds, administrative or reporting requirements will be provided by program announcement in the **Federal Register**.

F. Reporting Requirements

1. The State domestic violence coalition grantee must submit an annual program report describing the coordination, training and technical assistance, needs assessment, and comprehensive planning activities carried out; and the public information and education services provided. The annual report also must provide an assessment of the effectiveness of the grant supported activities. The annual report is due 90 days after the end of the fiscal year, i.e., December 30, in which the grant is awarded. The final program report is due 90 days after the end of the expenditure period. Program Reports are to be sent to: Office of Community Services, Administration for Children and Families, Attn: William D. Riley, 370 L'Enfant Promenade, SW., 5th Floor West, Washington, DC 20447.

2. The State domestic violence coalition grantees must submit an annual financial report, Standard Form 269 (SF-269). A financial report is due 90 days after the end of the fiscal year in which the grant is awarded. A final financial report is due 90 days after the end of the expenditure period. Financial reports are to be sent to: Director for Formula, Entitlement, and Block Grants Office of Financial Management, Administration for Children and Families, 370 L'Enfant Promenade, SW., 7th Floor, Washington, DC 20447.

G. Application Requirements

Except for the changes made by the Crime Bill, the application requirements are the same as last year's. The Crime Bill made the following changes:

- Added a new section 311(a)(1);
- Inserted references to Judges, Court officers, and other criminal justice professionals in section 311(a)(2);
- Revised the language on supervised visitation or denial of visitation in section 311(a)(3)(H); and
- Requires public education campaigns to include information aimed at underserved, racial, ethnic, or language-minority populations (section

311(a)(4)). The changes are reflected in the language below.

The State domestic violence coalition application must be signed by the Executive Director of the Coalition or the official designated as responsible for the administration of the grant. The application must contain the following information (Please note the new 1.):

We have cited each requirement to the specific section of the law.

1. A description of the process of working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

(A) Training and technical assistance for local programs and professionals working with victims of domestic violence;

(B) Planning and conducting State needs assessments and planning for comprehensive services;

(C) Serving as an information clearinghouse and resource center for the State; and

(D) Collaborating with other governmental systems which affect battered women (Sec. 311(a)(1)).

2. A description of the public education campaign regarding domestic violence to be conducted by the coalition through the use of public service announcements and informative materials that are designed for print media: billboards; public transit advertising; electronic broadcast media; and other forms of information dissemination that inform the public about domestic violence, including information aimed at underserved racial, ethnic or language-minority populations (section 311(a)(4)).

3. The anticipated outcomes and a description of planned grant activities to be conducted in conjunction with judicial and law enforcement agencies concerning appropriate responses to domestic violence cases and an examination of issues including the:

(A) Inappropriateness of mutual protection orders;

(B) Prohibition of mediation when domestic violence is involved;

(C) Use of mandatory arrests of accused offenders;

(D) Discouragement of dual arrests;

(E) Adoption of aggressive and vertical prosecution policies and procedures;

(F) Use of mandatory requirements for pre-sentence investigations;

(G) Length of time taken to prosecute cases or reach plea agreements;

(H) Use of plea agreements;

(I) Consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(J) Restitution to victims;
 (K) Use of training and technical assistance to law enforcement, judges, court officers and other criminal justice professionals;

(L) Reporting practices of, and the significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(M) Use of interstate extradition in cases of domestic violence crimes; and

(N) The use of statewide and regional planning (Sec. 311(a)(2)).

4. The anticipated outcomes and a description of planned grant activities to be conducted in conjunction with family law judges, criminal court judges, Child Protective Services agencies, Child Welfare agencies, Family Preservation and Support Service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases and in cases where domestic violence and child abuse are both present, including the:

(A) Inappropriateness of mutual protection orders;

(B) Prohibition of mediation when domestic violence is involved;

(C) Inappropriate use of marital or conjoint counseling in domestic violence cases;

(D) Use of training and technical assistance for family law judges, criminal court judges, and court personnel;

(E) The presumption of custody to domestic violence victims;

(F) Use of comprehensive protection orders to grant fullest protection possible to victims of domestic violence, including temporary custody support and maintenance;

(G) Development by Child Protective Services of supportive responses that enable victims to protect their children;

(H) Implementation of supervised visitations or denial of visitation to protect against danger to victims or their children; and

(I) The possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk (Sec. 311(a)(3)).

5. The following documentation will certify the status of the domestic violence coalition and must be included in the grant application:

(A) A description of the procedures developed between the State domestic violence agency and the Statewide coalition that allow for implementation of the following cooperative activities:

(i) The applicant coalition's participation in the planning and monitoring of the distribution of grants

and grant funds provided in its State (Sec. 303(a)(3)); and

(ii) The participation of the State domestic violence coalition in compliance activities regarding the State's family violence prevention and services program grantees (Sec. 303(a)(3)).

(B) A copy of a currently valid 501 (c)(3) certification letter from the Internal Revenue Service stating private non-profit status or;

A copy of the applicant's listing in the Internal Revenue's Services (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code or;

A copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

(C) A list of the organizations operating programs for victims of domestic violence programs in the State and the applicant coalition's membership list by organization;

(D) A copy of the applicant coalition's current Board of Directors list, with Chairperson identified; and

(E) A copy of the resume of any coalition or contractual staff to be supported by funds from this grant.

6. Assurances (include in application as an appendix)

(A) Applicant coalition must provide documentation in the form of support letters, memoranda of agreement, or jointly signed statements, that the coalition;

(i) Has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial organizations in the preparation of the grant application (Sec. 311(b)(4)(A)); and

(ii) Will actively seek and encourage the participation of such organizations in grant funded activities (Sec. 311(b)(4)(B)).

(B) Provide a signed statement that the coalition will not use grant funds, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar legal document by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress, or any State or local legislative body, or State proposals by initiative petition, except that the representatives of the State Domestic Violence Coalition may testify or make other appropriate communications:

(i) When formally requested to do so by a legislative body, a committee, or a member of such organization (Sec. 311(d)(1)); and

(ii) In connection with legislation or appropriations directly affecting the

activities of the State domestic violence coalition or any member of the coalition (Sec. 311(d)(2)).

(C) Provide a signed statement that the State Domestic Violence Coalition will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion. (Sec. 307).

H. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or record-keeping requirement inherent in a proposed or final rule, or program announcement. This program announcement contains information collection requirements in sections (F) and (G), which require that certain information must be provided in an annual report and as part of a grantee's application. We estimate that all of the information requirements for this program will take each grantee approximately 6 hours to complete. As there are 53 projected grantees, the total number of hours annually will be 318.

Organizations and individuals desiring to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (room 308), Washington, D.C. 20503, Attention: Desk Officer for the Administration for Children and Families.

I. Notification Under Executive Order 12372

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs" for State plan consolidation and simplification only - 45 CFR 100.12. The review and comment provisions of the Executive Order and Part 100 do not apply. Federally-recognized Native American Tribes are exempt from all provisions and requirements of E.O. 12372.

J. Certifications

Applicants must comply with the required certifications found at Attachments A, B, C, and D as follows:

1. The Anti-Lobbying Certification and Disclosure Form must be signed and submitted with the application. If applicable, a Standard Form LLL, which discloses lobbying payments must be submitted.

2. Certification regarding Drug-Free Workplace Requirements and Certification Regarding Debarment: The signature on the application by a Coalition official responsible for the

administration of the program attests to the applicant's intent to comply with the Drug-Free Workplace Requirements and compliance with the Debarment Certification. The Drug-Free Workplace and Debarment Certifications do not have to be returned with the application.

3. Certification Regarding Environmental Tobacco Smoke: The signature on the application by a Coalition official certifies that the applicant will comply with the requirements of the Pro-Children Act of 1994 (Act). The applicant further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all grantees shall certify accordingly.

(Catalog of Federal Domestic Assistance number 93.671, Family Violence Prevention and Services)

Dated: February 9, 1995.

Donald Sykes,

Director, Office of Community Services.

Attachment A—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of

the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or

entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4184-01-P

Attachment B*Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions*

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses

enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction" provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

BILLING CODE 4184-01-P

Attachment C

U.S. Department of Health and Human Services
Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code) _____

Check if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

Attachment D**Certification Regarding Environmental Tobacco Smoke**

Public Law 103-227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

[FR Doc. 95-3822 Filed 2-15-95; 8:45 am]

BILLING CODE 4184-01-P

Agency For Health Care Policy And Research**Notice of Meeting**

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2) announcement is made of the following special emphasis panel scheduled to meet during the month of March 1995:

Name: Health Care Policy and Research Special Emphasis Panel

Date and Time: March 27, 1995 10:30 a.m.

Place: Agency for Health Care Policy and Research, Executive Office Center, 2101 East Jefferson Street, 6th Floor Conference Room, Rockville, Maryland 20852.

Open session 10:30 a.m.–10:45 a.m., closed for remainder of meeting.

Purpose: This panel is charged with conducting the initial review of grant applications for Federal support of conferences, workshops, meetings, or projects related to dissemination and utilization of research findings, and AHCPRL liaison with health care policymakers, providers, and consumers.

Agenda: The open session of the meeting on March 27 from 10:30 a.m. to 10:45 a.m. will be devoted to a business meeting covering administrative matters. During the closed session, the committee will be reviewing grant applications dealing with dissemination of research on the organization, costs, and efficiency of health care. In accordance with the Federal Advisory Committee Act, 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6), the Administrator, AHCPRL, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This

information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members or other relevant information should contact Linda Blankenbaker, Agency for Health Care and Policy Research, Suite 602, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594-1438.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: February 9, 1995.

Clifton R. Gaus,

Administrator.

[FR Doc. 95-3880 Filed 2-15-95; 8:45 am]

BILLING CODE 4160-90-P

Public Health Service**Dietary Guidelines Advisory Committee; Meeting**

AGENCIES: U.S. Public Health Service, Department of Health and Human Services; Agricultural Research Service and Office of Food, Nutrition, and Consumer Services, U.S. Department of Agriculture.

ACTION: Dietary Guidelines Advisory Committee: notice of meeting.

SUMMARY: The Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) (a) provide notice of the third and final meeting of the Dietary Guidelines Advisory Committee.

DATES: (1) The Committee will meet March 29, 1995, for a full-day meeting beginning at 9:00 a.m. e.s.t.; March 30, 1995, for a half-day meeting beginning at 9:00 a.m. e.s.t.; and March 31, 1995 for a full-day meeting beginning at 9:00 a.m. e.s.t., at the Doubletree Hotel Park Terrace, Terrace Ballroom, 1515 Rhode Island Ave, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Karil Bialostosky, M.S., Executive Secretary from HHS to the Dietary Guidelines Advisory Committee, Office of the Assistant Secretary for Health, Department of Health and Human Services, Room 2132, Switzer Building, 330 C Street, SW., Washington, DC 20201, (202) 205-9007.

SUPPLEMENTARY INFORMATION:**Dietary Guidelines Advisory Committee Task**

The eleven-member Committee appointed by the Secretaries of the two Departments reflects the commitment by the Departments of Health and Human Services and Agriculture to the provision of sound and current dietary guidance to consumers. The National

Nutrition Monitoring and Related Research Act of 1990 (Pub. L. 101-445) requires the Secretaries of HHS and USDA to publish the Dietary Guidelines for Americans at least every five years. The Dietary Guidelines Advisory Committee will recommend revisions to the Secretaries for the 1995 edition of Nutrition and Your Health: Dietary Guidelines for Americans.

Announcement of Meeting

The Committee's third meeting will be March 29, 1995, beginning at 9:00 a.m. (full-day meeting), March 30, 1995, beginning at 9:00 a.m. (half-day meeting), and March 31, 1995, beginning at 9:00 a.m. (full-day meeting) e.s.t. The meeting will be held at the Doubletree Hotel Park Terrace, Terrace Ballroom, 1515 Rhode Island Ave, NW., Washington, DC 20005. The agenda will include (a) discussion of working drafts and report to the Secretaries of Health and Agriculture, (b) finalizing recommendations for the 1995 edition of Nutrition and Your Health: Dietary Guidelines for Americans, and, time permitting, (c) discussion of research and other needs for the future.

Public Participation at Meeting

The meeting is open to the public. However, space is limited for all sessions. Please call Karil Bialostosky (202/205-9007) by March 15, if you will require a sign language interpreter at the meeting.

Dated: February 10, 1995.

Susanne A. Stoiber,

Acting Deputy Assistant Secretary for Disease Prevention and Health Promotion/Health Planning and Evaluation, U.S. Department of Health and Human Services.

[FR Doc. 95-3925 Filed 2-15-95; 8:45 am]

BILLING CODE 4140-01-M

Substance Abuse and Mental Health Services Administration**Office for Women's Services; Notice of Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee for Women's Services of the Substance Abuse and Mental Health Services Administration.

The meeting of the Advisory Committee for Women's Services will include a discussion of SAMHSA's programs and policies for women, legal and administrative requirements affecting members of the Advisory Committee for Women's Services, SAMHSA's FY 1996 Budget, SAMHSA's Strategic Plan, and a legislatively mandated evaluation of the extent to