

fragmentary individuals were found at Rainbow House in the kiva floor level and in the plaza room blocks. The occupation date assigned to Rainbow House was between AD 1412—1453.

Artifactual evidence does not allow specific identification of a single culturally affiliated Indian tribe. However, examination of cultural materials (e.g., ceramics, stone tools, and other items) and oral history regarding traditional and religious practice indicate probable cultural affiliation between the human remains and various Pueblo Indian groups. The National Park Service has determined that these human remains are culturally affiliated with: Pueblo of Santa Clara; Pueblo of San Ildefonso; Pueblo of Tesuque; Pueblo of Cochiti; Pueblo of Santo Domingo; Pueblo of San Felipe; Pueblo of Jemez; Pueblo of Zuni; Pueblo of Isleta; Pueblo of Laguna; Pueblo of Acoma; Ysleta del Sur Pueblo; Pueblo of Santa Ana; Pueblo of Sandia; Pueblo of Zia; and the Hopi Tribe. Other Pueblo peoples may also be culturally affiliated with these human remains. No lineal descendants have been identified.

This notice has been sent to consultation representatives of the following Indian tribes: Pueblo of Santa Clara; Pueblo of San Ildefonso; Pueblo of Tesuque; Pueblo of Cochiti; Pueblo of Santo Domingo; Pueblo of Jemez; Pueblo of Zuni; and the Hopi Tribe. Representatives of any other Indian tribe which believes itself to be culturally affiliated with these human remains should contact Superintendent Roy W. Weaver, Bandelier National Monument, HCR 1 Box 1 Suite 15, Los Alamos, NM, 85744, telephone: (505) 672-3861 fax (505) 672-9607, before August 4, 1995. Repatriation of these human remains may begin after that date if no additional claimants come forward.

Dated: June 29, 1995

**Veletta Canouts,**

*Acting Departmental Consulting Archeologist and*

*Acting Chief, Archeological Assistance Division*

[FR Doc. 95-16472 Filed 7-5-95; 8:45 am]

BILLING CODE 4310-70-F

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

### Criteria for Review of Federal Mandates by the Advisory Commission on Intergovernmental Relations

**ACTION:** Notice of criteria for review of federal mandates.

**SUMMARY:** The Advisory Commission on Intergovernmental Relations (ACIR) is

issuing criteria for investigating and reviewing existing federal mandates and formulating recommendations to modify, suspend, or terminate specific mandates on State, local, or tribal governments. These criteria were approved by the Commission on June 28, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Philip M. Dearborn, Director, Government Finance Research, ACIR, 800 K Street, NW, Suite 450 South, Washington, DC 20575, phone (202) 653-5538, FAX (202) 653-5429.

**SUPPLEMENTARY INFORMATION:** The Advisory Commission on Intergovernmental Relations (42 U.S.C. 4271) is charged in Section 302 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) with investigating and reviewing the role of Federal mandates in intergovernmental relations [Sec. 302(a)(1)] and with making recommendations for improving the operation of mandates [Sec. 302(a)(3)]. The law defines "Federal mandate" very broadly for the purposes of the ACIR review as "any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty on State, local, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program."

For purposes of reviewing the role of Federal mandates under Sec. 302(a)(1), ACIR will take into account the positive attributes of mandates and the rationale for their adoption, as well as the characteristics of mandates that present problems. For purposes of making the recommendations required under Section 302(a)(3), ACIR will select for review only Federal mandates that are generally recognized as creating significant concerns within the intergovernmental system. In accordance with Public Law 104-4, ACIR will give review priority to mandates that are subject to judicial proceedings in Federal courts.

Prior to making recommendations under Sec. 302(a)(3), the Commission is required to issue criteria. The following criteria will fulfill that requirement. They were approved by the Commission on June 28, 1995, following public comment on proposed criteria published in 60 FR 27324 on May 23, 1995.

The Commission will make the final decisions about which mandates it will review and what recommendations it will make. The Commission's decisions will be based on two types of criteria:

(1) Those that provide a basis for identifying mandates of significant concern; and

(2) Those that provide a basis for formulating recommendations to retain, modify, suspend, or terminate specific mandates that are concern.

These criteria are intended solely to help the Commission make its recommendation.

#### Criteria for Identifying Mandates of Significant Concern

In general, Federal mandates will be selected for intensive review if they have one or more of the following characteristics:

*1. The Mandate Requires State, Local, or Tribal Governments to Expend Substantial Amounts of Their Own Resources in a Manner That Significantly Distorts Their Spending Priorities*

This addresses mandates that require more than incidental amounts of spending.

It will not include all Federal mandates that require governments to spend money.

*2. The Mandate Establishes Terms or Conditions for Federal Assistance in a Program or Activity in Which State, Local, or Tribal Governments Have Little Discretion Over Whether or Not to Participate*

This will include mandates in entitlements and discretionary programs. It will exclude conditions of grants in small categorical programs that are distributed on the basis of annual or periodic applications and that are received only by a limited number of governments unless the conditions effectively limit access to such programs by small governments.

*3. The Mandate Abridges Historic Powers of State, Local, or Tribal Governments, the Exercise of Which Would Not Adversely Affect Other Jurisdictions*

This will include mandates that have an impact on internal State, local, and tribal government affairs related to issues not widely acknowledged as being of national concern and for which the absence of the mandate would not create adverse spillover effects. This also will include mandates that abridge the powers of State, local, or tribal governments to impose taxes within the limits of the U.S. Constitution and that provide particular tax treatment to particular classes of taxpayers.

#### 4. *The Mandate Imposes Compliance Requirements That Make it Difficult or Impossible for State, Local, and Tribal Governments to Implement*

Implementation delays, issuance of court orders, or assessment of funds may be indicative of mandate requirements that go beyond State, local, or tribal fiscal resources, or administrative or technological capacity, after reasonable efforts at compliance have been made.

#### 5. *The Mandate has Been the Subject of Widespread Objections and Complaints by State, Local and Tribal Governments and Their Representatives*

This will include mandates that are based on problems of national scope, but are not Federally funded.

#### **Criteria for Formulating Recommendations**

ACIR will investigate the specific characteristics of each Federal mandate causing significant concern in order to formulate specific recommendations, ACIR also will consider the beneficial and non-beneficial effects of mandates. For purposes of formulating such recommendations, ACIR will focus on specific provisions in laws, regulations, or court orders.

When a mandate affects a State, local, or tribal program that directly competes with a comparable private sector activity, ACIR will consider the effects of the mandate and the Commission recommendation on both the government and private sector. ACIR also will consider (1) impacts of mandates on working men and women and (2) mandates for utilization of metric systems.

ACIR will investigate each mandate selected for intensive review to determine whether or not they have one or more of the following characteristics that should be considered by ACIR in making its recommendations:

##### 1. *Federal Intrusion*

- Requirements are not based on demonstrated national needs.
- Requirements are related to issues not widely recognized as national concerns or as being within the appropriate scope of Federal activities.
- Requirements are based on problems of national scope, but which State, local, or tribal governments have demonstrated ability or willingness to solve effectively, either independently or through voluntary cooperation.
- Requirements are based on problems of national scope, but are not Federally funded.

These mandates should be terminated, retained, funded, or

modified to express non-binding national guidelines.

##### 2. *Unnecessarily Rigid*

- Provisions do not permit adjustments to the circumstances or needs of individual jurisdictions.
- Provisions restrict flexibility to use less costly or less onerous alternative procedures to achieve the goal of the mandate.
- Provisions do not allow governments to set implementation or compliance priorities and schedules, taking into account risk analysis, greatest benefit, local capacity, or other factors.

These mandates should be modified to provide options, waivers, or exemptions, or be terminated.

##### 3. *Unnecessarily Complex or Prescriptive*

- Requirements are unnecessarily detailed and difficult to understand.
- Provisions are too process-specific rather than results-oriented.

These mandates should be simplified, clarified, or otherwise revised to facilitate understanding and implementation, or be terminated.

##### 4. *Unclear Goals or Standards*

- Goals or standards are too vague, confusing, or poorly written to permit clear or consistent implementation of requirements or measurement of results.
- These goals or standards should be rewritten or the mandate should be terminated.

##### 5. *Contradictory or Inconsistent*

- Provisions in one mandate may make it difficult or impossible to comply with other provisions in the same or other Federal, State, local, or tribal laws.
  - Requirements use conflicting and confusing definitions and standards.
- These mandates should be modified to bring conflicting requirements into conformance. In some instances, it may be appropriate to terminate one or all of the requirements. Where possible, common definitions and standards should be used, especially in planning and reporting requirements.

##### 6. *Duplicative*

- Provisions in two or more Federal mandates may have the same general goals but require different actions for compliance.
- These mandates could be terminated, consolidated, or modified to facilitate compliance.

##### 7. *Obsolete*

- Provisions were enacted when conditions or needs were different or

before existing technologies were available.

- Provisions have been superseded by later requirements.

These mandates should be modified to reflect current conditions or existing technology. If a mandate is no longer necessary or has been superseded, it should be terminated.

##### 8. *Inadequate Scientific and Economic Basis*

- Provisions were enacted based on inadequate or inconclusive scientific research or knowledge.
- Provisions are not based on current, peer-reviewed scientific research, when applicable.
- Provisions are not justified by appropriate risk assessment or cost-benefit studies.

These mandates should be terminated or modified to reflect current science. In some cases, suspension of the mandate may be appropriate to provide time for additional research.

##### 9. *Lacking in Practical Value*

- Requirements do not achieve the intended results.
  - Requirements are perceived by citizens as unnecessary, insignificant, or ineffective, thereby producing credibility problems for governments.
  - Requirements have high costs relative to the importance of the issue.
- These mandates should be evaluated to determine whether or not they are effective. If they cannot be shown to be effective and worthy of public support, they should be terminated. If they are effective, it still may be appropriate to suspend the mandates to allow time for public education and consensus building on their value.

##### 10. *Resource Demands Exceed Capacity*

- Requirements for compliance exceed State, local, and tribal governments' fiscal, administrative, and/or technological capacity.
- These mandates should be terminated or modified to reduce compliance problems, or assistance could be provided to upgrade capacity. In some instances, compliance schedule extensions or exemptions may be appropriate.

##### 11. *Compounds Fiscal Difficulties*

- Compliance with the requirements of any one mandate or with multiple mandates compounds fiscal difficulties of governmental jurisdictions that are experiencing fiscal stress.
- In these situations, certain of the mandates affecting the jurisdictions—exclusive of those that are vital to public health or safety—should be considered

for partial or total suspension until the government experiencing fiscal stress is able to comply. The conditions triggering considerations of such suspensions should include:

a. Governments faced with costs dramatically out of line with their revenue bases, as determined by comparisons with other similar governments that are complying. This may result from local and tribal governments experiencing fiscal stress due to depopulation, loss of tax base, or inability to raise matching funds from user fees due to low average household income or small population base; or

b. Governments that are experiencing severe fiscal distress for reasons not immediately within their control. There should be some definitive evidence of severe problems, such as State receivership, State declaration of distress, Chapter 9 bankruptcy, or a debt rating below investment grade. This should not include annual budget balancing problems.

#### Responses to Comments Received

In response to ACIR's notice of proposed criteria (60 FR 27324, May 23, 1995), comments were received from 20 individuals or organizations. ACIR considered all of the comments and incorporated those suggestions it found would aid in carrying out the studies directed by the Congress.

Several commentators misunderstood the purpose of the criteria, expressing concerns that they would be used to delay the approval of laws or regulations, or to provide a legal basis for challenging the implementation of mandates. The Commission added a statement to the introduction to make it clear that the criteria are solely designed to aid ACIR in this formulation of recommendations to the President and Congress. The criteria, as such, will not alter existing legislative or regulatory procedures.

Several commentators found that the criteria focused only on problems caused by mandates and did not recognize their positive results. They suggested that the criteria should evaluate positive benefits that may offset negative effects. In response, the Commission has added a paragraph in the introduction to make it clear that for its Section 302(a)(1) investigation and review of the role of federal mandates in intergovernmental relations, it will take into account the beneficial effects as well as the problems created by mandates as they are currently formulated. The benefits of mandates will also be examined for feasibility of quantification under the baseline study required by Section 301(b).

In addition, a statement was added to the introduction of the section on criteria for formulating recommendations that beneficial effects will be considered when making recommendations because of problems revealed by the criteria.

Commentators also pointed out that in addition to modification, suspension, or termination, the Commission could recommend retention of a mandate. The list of possible recommendations in the introduction has been amended to add "retain" as an option.

Several commentators were concerned that some terms in the criteria as not well defined and are subject to different interpretations. The final responsibility for determining the application and interpretation of the criteria in making recommendations will be left to the judgment of the Commission. The language in the fifth paragraph of the introduction has been amended to clarify that this is a Commission responsibility.

A commentator was concerned that the effects of State mandates would be difficult to separate from the effects of Federal mandates, and some Federal mandates may be welcomed. While it may be difficult to make such separations, no change in the criteria seem necessary to address this problem.

One commentator expressed concern that to exclude from review conditions of discretionary grants in small categorical programs could overlook the burdensome nature of grant requirements on small rural governments. To correct this concern, the criteria for selecting mandates of significant concern has been modified to include any mandates that would have the practical effect of limiting small governments' access to aid.

One commentator suggested that the criterion identifying mandates that abridge historic powers should specifically include those that affect state and local tax powers that are otherwise Constitutional. This was added to the criterion.

A suggestion was made to add "tribal" to state and local governments in the fifth criterion for identifying mandates. This omission has been corrected.

Several commentators were concerned that under the criterion of federal intrusion the suggested actions included only making the mandates voluntary or terminating them. Wording was added to provide the alternative of retaining the mandate and providing federal funding of the mandate.

Several commentators suggested that the criterion "Inadequate Scientific Basis" could be inimical to health by

enabling the repeal or restriction of health or environmental reforms because it is so broad and subject to interpretation. There were also questions raised about its applicability in some situations. Finally, it was noted that the reference to cost-benefit studies is an economic concern, not a scientific one. Several changes were made as a result of these comments, including addition of "economic" to the title, addition of "when applicable" after "peer-reviewed scientific research"; and addition of "appropriate" before "risk-assessment." The concerns that this criterion might delay or otherwise interfere with legislation or regulations was addressed earlier in the explanation that these criteria are only for use by ACIR in formulating its recommendations.

A comment was received that Section 4 of the Act would exclude certain mandates from Commission review, even though they would otherwise qualify for review under the definition in Section 305. Section 4 exclusions apply only to mandates that are before the Congress or in a proposed or final federal regulation. Another commentator suggested that legislated mandates that had been confirmed by the U.S. Supreme Court should be beyond the scope of Commission review. Because of the clear intent of the law is to require ACIR to consider mandates established by statute or court orders, no change has been made in the criteria.

One commentator suggested deleting all the criteria proposed for selecting mandates of significant concern, and relying on the criteria for making recommendations to determine which mandates are to be reviewed. The first set of criteria serve the purpose of avoiding a very detailed review of every existing grant and mandate, and they have been kept. The second set of criteria will then be applied only to those mandates selected for more detailed review.

One commentator expressed concern that the criterion on compounding fiscal difficulties was not specific enough to encompass some situations being experienced by small rural governments and Indian tribes. Additional explanatory language was added to clarify situations in which the criterion might apply.

A commentator suggested that in making its recommendations ACIR address the cumulative cost effects of multiple federal mandates, especially on small governments. Estimating cumulative cost effects will not be feasible in this study, but will be considered as a part of the

Commission's Section 301 Baseline Study.

Dated: June 28, 1995.

**William E. Davis III,**

*Executive Director.*

[FR Doc. 95-16547 Filed 7-5-95; 8:45 am]

BILLING CODE 5500-01-M

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**Notice of Request for Application in Democracy and Governance**

The U.S. Agency for International Development (USAID's) Center for Democracy and Governance has the goal of promoting sustainable development by providing technical and intellectual leadership services in democracy and governance. The purpose of the activities that constitute the two Democracy Center programs described in the Request for Application (RFA) is to enhance the Agency's capacity to support the growth and sustainability of (1) electoral and political processes and (2) women's participation in electoral and political processes in transition and sustainable development countries, and in non-presence countries.

To assist in achieving these objectives, the Democracy Center anticipates awarding at least \$500,000 a year for each of three years to each of two elections awards resulting from this RFA. In addition, other funding sources, including USAID Regional Bureaus and field Missions, could possibly provide up to several million dollars in additional funds for each award.

There will be one award for strengthening women's political participation resulting from this RFA. The anticipated funding level for the award is \$1 million for the entire three year period.

The RFA is being issued on June 26, 1995, and will close on August 4, 1995. Those interested in receiving a Request for Application should send a letter referencing solicitation OP/B/AEP-A-95-011 along with 3 self-addressed mailing labels. Telephone or fax requests for the solicitation will NOT be honored. All RFA's will be mailed through the U.S. postal service. RFA's will not be express mailed. Address requests to: United States Agency for International Development, G/DG, Ms. Amy Young, Room 5258, Washington, D.C. 20523-0090.

This notice can be viewed and downloaded using the Agency Gopher. The RFA can be downloaded from the Agency Gopher. The Gopher address is GOPHER.INFO.USAID.GOV. Select

USAID Procurement and Business Opportunities from the Gopher menu. The RFA text can be downloaded via Anonymous File Transfer Protocol (FTP). The FTP address is FTP.INFO.USAID.GOV. Log on using the user identification of "anonymous" and the password is your e-mail address. Look under the following directory for the RFA: pub/OP/RFA/BAEP511/baep511.rfa. Receipt of this RFA through Internet must be confirmed by written notification to the contract person noted above. This will ensure that you will receive amendments to the solicitation. It is the responsibility of the recipient of this solicitation document to ensure that it has been received from Internet in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

Dated: June 27, 1995.

**Charles Costello,**

*Deputy Assistant Administrator, Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research.*

[FR Doc. 95-16532 Filed 7-5-95; 8:45 am]

BILLING CODE 6116-01-M

**[Delegation of Authority No. 14-01]**

**Inspector General; Delegation of Authority and Line of Succession**

Delegation of Authority No. 14-01 is hereby issued to effect a delegation of authority and provide a line of succession from the Inspector General as follows:

I. Pursuant to authority vested in me by the Inspector General Act of 1978, as amended, in the event of the death, disability, absence, resignation, or removal of the Inspector General, U.S. Agency for International Development, the officials designated below, in the order indicated, and in the absence of the specific designation of another official in writing by the Inspector General or the Acting Inspector General, are hereby authorized to and shall served as Acting Inspector General and shall perform the duties and are delegated the full authority and power ascribed to the Inspector General by law and regulation as well as those authorities delegated to the Inspector General by the Administrator, U.S. Agency for International Development:

1. Deputy Inspector General.
2. Assistant Inspector General for Audit.
3. Assistant Inspector General for Security.
4. Assistant Inspector General for Investigations.

II. Anyone designated by the Inspector General as acting in one of the positions listed above remains in the line of succession; otherwise, the authority moves to the next position.

III. This delegation is not in derogation of any authority residing in the above officials relating to the operations of their respective programs, nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

IV. The authorities delegated herein may not be redelegated.

Dated: June 29, 1995.

**Jeffrey Rush, Jr.,**

*Inspector General.*

[FR Doc. 95-16531 Filed 7-5-95; 8:45 am]

BILLING CODE 6116-01-M

**INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 731-TA-724 (Final)]**

**Manganese Metal From the People's Republic of China**

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution and scheduling of a final antidumping investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-724 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China (China) of manganese metal, provided for in subheadings 8111.00.45 and 8111.00.60 of the Harmonized Tariff Schedule of the United States.<sup>1</sup>

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**EFFECTIVE DATE:** June 13, 1995.

<sup>1</sup> The product covered by this investigation is manganese metal, which is composed principally of manganese, by weight, but which also contains some impurities such as carbon, sulfur, phosphorous, iron, and silicon. Manganese metal contains by weight not less than 95 percent manganese. All compositions, forms and sizes of manganese metal are included within the scope of this investigation, including metal flake, powder, compressed powder, and fines.