

This schedule of data collection is necessitated by the mandates of the Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103-62), which requires that the Head Start Bureau move expeditiously toward

development and testing of Head Start Performance Measures, and by the 1994 reauthorization of Head Start (Head Start Act, as amended, May 18, 1994, Section 649 (d)), which requires

assessment of Head Start's quality and effectiveness.

Respondents: Federal Government, Individuals or Households, and Not-for-profit institutions.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Spring, 1997	7,840	1	0.652	5,110
Fall, 1997	8,400	1	.648	5,440
Spring, 1998	11,460	1	.654	7,500

Estimated Total Annual Burden Hours: 9,025.

Note: The 9,025 annual hours is based on an average of 1997 and 1998 estimated burden hours.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Ms. Wendy Taylor.

Dated: January 22, 1997.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 97-1944 Filed 1-27-97; 8:45 am]

BILLING CODE 4184-01-M

[Program Announcement No. OCS 97-05]

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 to State domestic violence coalitions for grants to carry out family violence intervention and prevention activities.

SUMMARY: This announcement governs the proposed award of fiscal year (FY) 1997 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 requirements, the application process, and other administrative and fiscal requirements for grants in fiscal years (FY) 1997 through FY 2000.

CLOSING DATES FOR APPLICATIONS: Applications for FY 1997 family violence grant awards meeting the criteria specified in this announcement must be received no later than March 31, 1997. Grant applications for FY 1998 through FY 2000 should be received at the address specified below by November 15 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 Trudy Hairston (202) 401-5319.

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 to services for victims of domestic violence (Part I).

The second purpose is to provide information on application requirements for FY 1997 grants to State domestic violence coalitions. These funds will support planning and coordination efforts, intervention and prevention activities, and efforts to increase 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*

Family and intimate violence has serious and far reaching consequences for individuals, families and communities. A recent report from the National Research Council, *Understanding Violence Against Women* (1996) concludes that, Women are far more likely than men to be victimized by an intimate partner (Kilpatrick, et. al., 1992; Bachman, 1994; Bachman and Saltzman, 1995) * * * It is important to note that attacks by intimates are more dangerous to women than attacks by strangers: 52 percent of the women victimized by an intimate sustain injuries, compared with 20 percent of those victimized by a stranger (Bachman and Saltzman, 1995). Women are also significantly more likely to be killed by an intimate than are men. In 1993, 29 percent of female homicide victims were killed by their husbands, ex-husbands, or boyfriends; [while] only 3 percent of male homicide victims were killed by their wives, ex-wives, or girlfriends (Federal Bureau of Investigation, 1993).

The impacts of such family and intimate violence include physical injury and death of primary or secondary victims, psychological

trauma, isolation from family and friends, harm to children witnessing or experiencing violence in homes in which the violence occurs, increased fear, reduced mobility and employability, homelessness, substance abuse, and a host of other health and related mental health consequences.

It is estimated that between 12 percent and 35 percent of women visiting emergency rooms with injuries are there because of battering (Randall, 1990; Abbot, et. al., 1995). Estimates of the number of women who are homeless because of battering range from 27 percent (Knickman and Weitzman, 1989) to 41 percent (Bassuk and Rosenberg, 1988) to 63 percent of all homeless women (D'ercole and Struening, 1990).

The significant correlation between domestic violence and child abuse (Edelson, 1995; Stark and Flitcraft, 1988; Strauss and Gelles, 1990), and the use of welfare by battered women as an economic escape route (Raphael, 1995) also suggest the need to coordinate domestic violence intervention activities with those addressing child abuse and welfare reform activities at the Federal, State and local levels.

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 intervention and prevention 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. On-Going Coordination Efforts

1. The Role and Activities of State Domestic Violence Coalitions

State domestic violence coalitions have an important role in ensuring that these and other Federal and State initiatives are informed by and coordinated with related intervention

and prevention efforts. It remains important that State coalition efforts to improve the judicial, social services, and health systems response to domestic violence continue to expand.

In 1996, the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention (CDC) initiated a project to compile an inventory of funding sources for domestic violence and sexual assault coalitions and community-based programs. This included a survey of coalitions and programs to identify the types of funding received and the activities this funding supported. The survey used the following categories to capture the range of activities of many State domestic violence coalitions:

Services Advocacy includes work to support the growth and development of community-based domestic violence programs, including the provision of training and technical assistance to those providing direct services (e.g., providing training and technical assistance to hotline /shelter workers and legal advocates, developing program standards for domestic violence programs).

Systems Advocacy is work to effect policy and procedural change in order to improve the institutional response to domestic violence (e.g., developing protocols for medical or mental health providers, training for those who work in the criminal and civil justice, welfare, child protective services, legal services, and educational systems. The development of coordinated community interventions, public policy advocacy directed at changing State/local laws, policies, practices related to domestic violence, and the development and implementation of statewide standards for batterers intervention programs).

Statewide Planning includes needs assessment and planning activities designed to document gaps in current response and prevention efforts and to guide future activities.

Public Awareness/Community Education includes work designed to inform and mobilize the general public around domestic violence issues (e.g., education programs in elementary, middle and high schools and expanded outreach to underserved populations).

Administration includes activities directed at supporting organizational functioning, such as fiscal and programmatic record keeping and reporting, state-wide management of programs, and fundraising.

Direct Services are those provided directly to victims of domestic violence or to their families, friends, or supporters by a State coalition (e.g.,

State-wide hotline, information and referral, legal advocacy services, etc.).

The above categories are included as an overview of the role that State coalitions play in domestic violence intervention and prevention and the types of activities that funding under the Family Violence Prevention and Services Act is meant to support.

2. 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.

Based on these initial coordination efforts, a new interdepartmental strategy was developed for implementing the programs and activities enacted in the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, (the Crime Bill). A Steering Committee on Violence Against Women is currently coordinating activities among family violence-related programs and across agencies and departments. Also, in 1995 the Departments of Justice and Health and Human Services announced the formation of a National Advisory Council on Violence Against Women to help coordinate efforts, assist victims, and advise the Federal Government on implementation of the Violence Against Women Act (VAWA).

3. Opportunities for Coordination at the State and Local Level

The major domestic violence intervention and prevention activities funded by the Federal government focus on law enforcement and justice system strategies; victim protection and assistance services; and prevention activities, such as 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.

Also outlined below are the implications of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-93 (the Welfare Reform law), to those organizations providing domestic violence intervention and prevention services.

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*. Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act 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.

One program under the VAWA is administered by the Office of Justice Programs (OJP) in the Department of Justice (DOJ). Known informally as the Stop Violence Against Women Formula Grants (Services, Training, Officers, Prosecution), it made available \$26 million to States in FY 1995, \$130 million to States in FY 1996, and will make \$145 million available to States in FY 1997.

States must allocate at least 25 percent of these funds to law enforcement activities, at least 25 percent to prosecution activities, and at least 25 percent to non-profit nongovernmental victims services, including services to underserved populations. These grant funds are to develop, strengthen, and implement effective law enforcement, prosecution,

and victim assistance strategies. Eligibility for this program is limited to the States, Territories and the District of Columbia.

The Violence Against Women Act stipulates that four percent of the funds appropriated each year for the STOP program will be awarded to Indian Tribal governments. The OJP grant regulations and program guidelines will address the requirements of both the State formula grant and the Indian grant programs.

In order to be eligible for DOJ funds, States must develop a plan for implementation. As a part of the planning process, the Violence Against Women Act requires that States must consult with nonprofit, nongovernmental victims' services programs including sexual assault and domestic violence victim services programs. 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. OJP expects that States will draw on the experience of existing domestic violence task forces and coordinating councils such as the State domestic violence coalitions, as well as representatives from key components of the criminal justice system and other professionals who interact with women who are victims of violence.

(b) *Family Preservation and Family Support Services Program*. In August 1993, Congress created a new program entitled Family Preservation and Support Services (a new part of Title IV-B of the Social Security Act). Funds under this program are awarded to State child welfare agencies to provide needed services to families in crisis and to help bring about better coordination among child and family services programs at the state and local level. Many jurisdictions are including domestic violence programs and advocacy organizations in their on-going planning and services system to better address the needs of victims of family violence and their dependents.

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.

4. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform)

On August 22, 1996 Public Law 104-193 was enacted which abolished the Aid to Families with Dependent Children (AFDC) program and made sweeping changes to other related programs. A new welfare program was enacted, the Temporary Assistance to Needy Families (TANF) program. States now have the authority and responsibility to determine which families will receive assistance and the type and amount of assistance that will be provided.

Under the new welfare reform law, each State must submit a State plan to the Department of Health and Human Services in order to receive the TANF block grant funds. The plan must certify that local government and private sector organizations have been consulted about the plan and have had at least 45 days in which to comment. There are two areas of the Act which specifically refer to domestic violence: (1) States are allowed to exempt 20 percent of their caseload from the 60-month limit on receiving welfare benefits for "reason of hardship or if the family includes an individual who has been battered or subjected to extreme cruelty" (Section 408(a)(7)(C)(i)); and (2) the Family Violence Amendment, (also known as the Wellstone/Murray Family Violence Provision), gives States the option to include a certification about victims of domestic violence in their State plans which allows States to waive certain requirements for certain domestic violence victims (Section 402(a)(7)).

Part II. State Coalition Grant Requirements

This section includes application requirements for family violence prevention and services grants for State domestic violence coalitions and is organized as follows:

Application Requirements

- 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 Public Law 102-295, and was reauthorized and amended for fiscal Years 1995 through 2000 by Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill), and signed into law on September 13, 1994.

The reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) on October 3, 1996, contained a technical amendment affecting the funding level for the State domestic violence coalitions. Under the new Section 310(d) of the FVPSA, of the amounts appropriated under Section 310(a) of the FVPSA, not less than 10 percent shall be used for grants to State domestic violence coalitions.

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 FYs 1994, 1995 and 1996 the Department made grant awards to 50 State domestic violence coalitions, the District of Columbia, and the U.S. Virgin Islands. In FY 1997, 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 criteria:

(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 membership of the coalition is representative of such programs;

(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; and

(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition:

(A) Has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

(B) Will actively seek and encourage the participation of such entities in the activities carried out with the grant (Section 311(b)).

D. Funds Available

The Department will make \$7.2 million available for grants to State domestic violence coalitions. Grants of approximately \$137,358 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 \$27,472 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 was entitled to receive 100% of its allocation.

Beginning in FY 96, Palau's share was reduced as follows:

FY 96—not to have exceeded 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 each of FYs 1997 through 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 1997 funds may be used for expenditures from October 1, 1996 through September 30, 1998.

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 1998 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 report of activities 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 two-year 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, S.W., 5th Floor West, Washington, D.C. 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, S.W., 7th Floor, Washington, D.C. 20447.

G. Application Requirements

Except for the changes made by Public Law 103-322 (the Crime Bill), the application requirements are the same as those for FY 1996. The changes are highlighted and 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:

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

1. A description of the process and anticipated outcomes of utilizing these federal funds to work 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 (Section 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 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 (Section 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 (Section 311(a)(3)).

5. The anticipated outcomes and a description of other activities in support of the general purpose of furthering domestic violence intervention and prevention (Section 311(a)).

6. 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 (Section 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 (Section 303(a)(3)).

(b) Unless already on file at HHS, 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 current list of the organizations operating programs for victims of domestic violence programs in the State and the applicant coalition's current membership list by organization;

(d) A list of the applicant coalition's current Board of Directors, with each individual's organizational affiliation and the Chairperson identified;

(e) A copy of the resume of any coalition or contractual staff to be supported by funds from this grant and/or a statement of requirements for staff or consultants to be hired under this grant; and

(f) A budget narrative which clearly describes the planned expenditure of funds under this grant.

7. Assurances (include in the application as an appendix)

(a) The 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 (Section 311(b)(4)(A)); and

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

(b) The applicant coalition must 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 (Section 311(d)(1)); or

(ii) In connection with legislation or appropriations directly affecting the activities of the State domestic violence

coalition or any member of the coalition (Section 311(d)(2)).

(c) The applicant coalition must 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 Reproduction Act

Under the Paperwork Reduction Act of 1995 (the Act), Public Law 104-13, 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) of Part II which require that certain information must be provided in an annual report, fiscal 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.

In accordance with the Act, the application requirements contained in this notice have been approved by OMB under control number 0972-0062.

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.

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 93.591, Family Violence Prevention and Services: Grants to State Domestic Violence Coalitions)

Dated: January 22, 1997.

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 \$10,000 and not more 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, U.S. Code. Any person who fails to file the required statement 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.

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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 take 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. 97-2013 Filed 1-27-97; 8:45am]
BILLING CODE 4184-01-P

Food and Drug Administration

[Docket No. 96E-0355]

Determination of Regulatory Review Period for Purposes of Patent Extension; DIFFERIN Topical Gel

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for DIFFERIN Topical Gel and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670)

generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product DIFFERIN Topical Gel (adapalene). DIFFERIN Topical Gel is indicated for the topical treatment of acne vulgaris. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for DIFFERIN Topical Gel (U.S. Patent No. 5,212,303) from Centre International de Recherches Dermatologiques (CIRD), and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 24, 1996, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of DIFFERIN Topical Gel represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for DIFFERIN Topical Gel is 2,447 days. Of this time, 1,401 days occurred during the testing phase of the regulatory review period, while 1,046 days occurred during the approval phase.

These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* September 20, 1989. FDA has verified the applicant's claim that the date that the investigational new drug application became effective was on September 20, 1989.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* July 21, 1993. The applicant claims July 15, 1993, as the date the new drug application (NDA) for DIFFERIN Topical Gel (NDA 20-380) was initially submitted. However, FDA records indicate that NDA 20-380 was submitted on July 21, 1993.

3. *The date the application was approved:* May 31, 1996. FDA has verified the applicant's claim that NDA 20-380 was approved on May 31, 1996.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 13 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before March 31, 1997, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 28, 1997, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 17, 1997.
Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 97-2064 Filed 1-27-97; 8:45 am]

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