

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 14, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97-13087 Filed 5-14-97; 3:31 pm]

BILLING CODE 6210-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. 97-06]

#### Family Violence Prevention and Services Program

**AGENCY:** Office of Community Services, ACF, DHHS.

**ACTION:** Notice of the availability of funding to States and Native American Tribes and Tribal organizations for family violence prevention and services.

**SUMMARY:** This multi-year announcement supersedes Program Announcement No. OCS 95-04, published January 11, 1995 in Volume 60, No. 7, pages 2769-2780 of the **Federal Register**. This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act to States (including Territories and Insular Areas) and Native American Tribes and Tribal organizations. The purpose of these grants is to assist States and Tribes in establishing, maintaining, and expanding programs and projects to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

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 AND APPLICATIONS:** Applications for FY 1997 family violence grant awards meeting the criteria specified in this announcement should be received no later than July 15, 1997. Grant applications for FY 1998 through FY 2000 should be received at the address specified below by December 15 of each subsequent fiscal year.

**ADDRESSES:** Applications should be sent to Office of Community Services, Administration for Children and Families, Attn: William D. Riley, 5th Floor, West Wing, 370 L'Enfant Promenade, SW., Washington, D.C. 20447.

**FOR FURTHER INFORMATION CONTACT:** William D. Riley (202) 401-5529, James Gray (202) 401-5705 or Trudy Hairston (202) 401-5319.

#### SUPPLEMENTARY INFORMATION:

**Note:** We Strongly Recommend That States and Native American Tribes and Tribal Organizations Keep a Copy of This **Federal Register** Notice for Future Reference. The Requirements Set Forth in This Announcement Will Apply to State and Native American Family Violence Program Grants for FY 1997 Through FY 2000. Information Regarding Any Changes in Available Funds, State/Tribal Allocations, and Administrative and Reporting Requirements Will Be Provided by Program Announcement in the **Federal Register** or by Program Instruction.

#### 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; 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 domestic violence, the Department of Health and Human Services (HHS) urges States and Native American Tribes receiving funds under this grant announcement to coordinate activities funded under this grant with other new and existing resources for the prevention of family and intimate violence and related issues.

##### B. On-Going Coordination 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.

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 (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 1996, 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).

## 2. 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, 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, enacted by Congress in the past few years, that provide new funds to expand services and which require the on-going 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, (also known as the STOP grants), and the Family Preservation and Support Services program, administered by DHHS. Both programs (described below) require the State agencies and Indian tribes administering these programs to conduct an inclusive, broad-based, comprehensive planning process at the State and community level.

In addition, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Welfare Reform law, offers an opportunity for those organizations providing domestic violence intervention and prevention

services to work with State welfare agencies in providing safety planning and services to welfare recipients who may be battered. 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 Violence Crimes Against Women

Enacted as part of the Violence Against Women Act (VAWA), this law 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 Office of Justice Programs (OJP) in the Department of Justice (DOJ) implemented a new formula grant program, known informally as the Stop Violence Against Women Formula Grants (Services, Training, Officers, prosecution) which made available \$26 million to States in FY 1995, \$130 million to States in FY 1996, and \$145 million to States in FY 1997.

States must allocate at least 25 percent of their funds to law enforcement activities, at least 25 percent to prosecution activities, and at least 25 percent to nonprofit nongovernmental victims services, including underserved populations. These grant funds are to help 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 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 also 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 into the planning process the experience of existing domestic violence task forces and coordinating councils such as the State Agencies and 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" (Title IV-B of the Social Security Act). Funds under this program are awarded to State Child Welfare agencies to provide needed services 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.

### (c) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform)

On August 22, 1996, Public Law 104-193 was enacted which abolished Aid to Families with Dependent Children (AFDC) and other related programs. Under this new law, the authority and responsibility to determine which families will receive assistance (cash and/or services) and how much under the new Temporary Assistance to Needy Families (TANF) Block Grant, (which replaces AFDC) has been shifted from the Federal government to the States; States will also decide which programs

will exist within their States to serve eligible families.

Under this new law, each State must submit a State plan to the Department of Health and Human Services in order to receive 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), where States have 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)).

#### (d) The Role and Activities of State Domestic Violence Coalitions in Coordination

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 and are coordinated with State agency initiatives in these areas.

In 1966, 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 may play in domestic violence intervention and prevention and the types of collaborative activities the Family Violence Prevention and Service Act are meant to support.

## Part II. Programmatic and Funding Information

### A. Background

Title III of the Child Abuse Amendments of 1984 (Public 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, reauthorized and amended in 1992 by Public Law 102-295, in 1994 by Public Law 103-322, the Violent Crime Control and Law Enforcement Act, and in 1996 by Pub. L. 104-235, the Child Abuse Prevention and Treatment Act (CAPTA) of 1996.

The purpose of this legislation is to assist States and Native American Tribes and Tribal organizations in supporting the establishment,

maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

During FY 1996, 220 grants were made to States and Native American Tribes. The Department also made 52 family violence prevention grant awards to nonprofit State domestic violence coalitions.

In addition, the Department supports the National Resource Center for Domestic Violence (NRC) and three Special Issue Resource Centers (SIRCs). The SIRCs are the Battered Women's Justice Project; the Resource Center on Child Custody and Protection, and the Health Resource Center on Domestic Violence. The purpose of the NRC and the SIRCs is to provide resource information, training, and technical assistance to Federal, State, and Native American agencies, local domestic violence prevention programs, and other professionals who provide services to victims of domestic violence.

To carry out a new provision of the Crime Bill, the President announced in February, 1996, the Department's funding of a national domestic violence hotline to ensure that every woman has access to information and emergency assistance wherever and whenever she needs it. The national domestic violence hotline is a 24-hour, toll-free service which provides crisis assistance, counseling, and local shelter referrals to women across the country. Hotline counselors also are available for non-English speaking persons and for people who are hearing impaired. The hotline number is 1-800-799-SAFE; the TDD number for the hearing impaired is 1-800-787-3224

### B. Funds Available

Congress appropriated \$62,000,000 for FY 1997 to carry out the Family Violence Prevention and Services program. In addition, through the Violence Crime Reduction Trust Fund, \$10,800,000 was authorized for the Grants to Battered Women's Shelter program and \$1,200,000 for the National Domestic Violence Hotline. The grant award for the National Domestic Violence Hotline is made in a separate announcement.

Of the total appropriated in section 310(a) for fiscal year 1997, we will allocate 70 percent of the total (\$72,800,000) to the designated State agencies administering family violence prevention and services programs; 10 percent to the Tribes and Tribal organizations for the establishment and operation of shelters, safe houses, and

the provision of related services; and 10 percent to the State Domestic Violence Coalitions to continue their work within the domestic violence community by providing technical assistance and training, and advocacy services among other activities with local domestic violence programs and to encourage appropriate responses to domestic violence within the States.

We also will make 5 percent of the \$72,800,000 available to continue the support for the National Resource Center and the three Special Issue Resource Centers. The remaining 5 percent of the FY 1997 family violence prevention and services funding will be used to support training and technical assistance, collaborative projects with advocacy organizations and service providers, data collection efforts, public education activities, research and other demonstration activities.

### C. State Allocation

The Secretary is required to make available not less than 70 percent of amounts appropriated under Section 310(a) for grants to States and not less than 10% of amounts appropriated under Section 310(a) for grants to Native American Tribes and Tribal organizations.

Family Violence grants to the States, the District of Columbia, and the Commonwealth of Puerto Rico are based on population. Each grant shall be not less than 1% of the amounts appropriated for grants under section 303(a) or \$400,000, whichever is the lesser amount. The CAPTA reauthorization raised the minimum grant to States from \$200,000 to \$400,000. State allocations are listed as Appendix A at the end of this announcement and have been computed based on the formula in section 304 of the Act.

For the purpose of computing allotments, the statute provides that Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Republic of Palau will each receive grants of not less than one-eighth of 1% of the amounts appropriated. However, 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 Palau's allocation:

In FY 95, Palau was entitled to 100% of its allocation. Beginning in FY 96, its share was to 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.

### D. Native American Tribal Allocations

Of the \$72,800,000 appropriated for FY 1997, \$7,280,000 is authorized for grants to Native American Tribes. Native American Tribes and Tribal organizations are eligible for funding under this program if they meet the definition of such entities as found in subsections (b) and (c), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act and are able to demonstrate their capacity to carry out a family violence prevention and services program.

A list of currently eligible Native American Tribes is found at Appendix B of this Announcement. Any Native American Tribe that believes it meets the eligibility criteria and should be included in the list of eligible tribes should provide supportive documentation in its application and a request for inclusion. (See Native American Tribal Application Requirements in Part V.)

In computing Native American Tribal allocations, we will use the latest available population figures from the Census Bureau. Where Census Bureau data are unavailable, we will use figures from the BIA Indian Population and Labor Force Report. If not all eligible Tribes apply, the available funds will be divided proportionally among the Tribes which do apply and meet the requirements.

Because section 304 of the Act specifies a minimum base amount for State allocations, we have set a base amount for Native American Tribal allocations. Since FY 1986, we have found, in practice, that the establishment of a base amount has facilitated our efforts to make a fair and equitable distribution of limited grant funds.

Due to the expanded interest in the prevention of family violence and in the provision of services to victims of family violence and their dependents, we have received an increasing number of tribal applications over the past several years. In order to ensure the continuance of an equitable distribution of family violence prevention and services funding in response to the increased number of tribes that apply, we have changed the funding formula for the allocation of family violence funds.

In addition to the consideration of the applicant tribe being over or under a 3,000 member residential census we now consider the ratio of the tribe's population to the total population of all the tribes that have applied for these funds.

Native American Tribes which meet the application requirements and whose reservation and surrounding Tribal Trust Lands population is:

- Less than 1,500 will receive a minimum base amount of \$1,500;
- Greater than 1,500 but less than 3,001 will receive a minimum base amount of \$3,000;
- Between 3,001 and 4,000 will receive a minimum base amount of \$4,000; and
- Between 4,001 and 5,000 will receive a minimum base amount of \$5,000.

The minimum base amounts are in relation to the Tribe's population and the progression of an additional \$1,000 per 1,000 persons in the population range continues until the Tribe's population is 50,000.

Tribes with a population of 50,000 to 100,000 will receive a minimum of \$50,000, and Tribes with a population of 100,001 to 150,000 will receive a minimum of \$100,000.

Once the base amounts have been distributed to the Tribes that have applied for family violence funding, the ratio of the Tribe's population to the total population of all the applicant Tribes is then considered in allocating the remainder of the funds. With the distribution of a proportional amount plus a base amount to the Tribes we have accounted for the variance in actual population and scope of the family violence programs. Under the previous allocation plan we did not have a method by which to consider the variance in tribal census counts. As in previous years, Tribes are encouraged to apply as consortia for the family violence funding.

## Part III. General Grant Requirements Applicable to States and Native American Tribes

### A. Definitions

States and Native American Tribes should use the following definitions in carrying out their programs. The definitions are found in section 309 of the Act.

(1) Family Violence: Any act or threatened act of violence, including any forceful detention of an individual, which (a) results or threatens to result in physical injury and (b) is committed by a person against another individual (including an elderly person) to whom

such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) Shelter: The provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, which includes shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(3) Related assistance: The provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance includes:

(a) Prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

(b) Counseling with respect to family violence, counseling or other supportive services by peers individually or in groups, and referral to community social services;

(c) Transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but does not include reimbursement for any health-care services;

(d) Legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(e) Children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims.

#### *B. Expenditure Periods*

The family violence prevention funds under the Act 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.

Reallotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for reallocation. FY 1997 grant funds which are made available to the States through reallocation, under section 304(d)(1), must be expended by the State no later than September 30, 1998.

#### *C. Reporting Requirements: New State Performance Report*

The Crime Bill amended the Act to add new reporting requirements for States in section 303(a)(4). This section requires that States file a performance report with the Department describing the activities carried out, and including an assessment of the effectiveness of those activities in achieving the purposes of the grant. A section of this performance report must be completed by each grantee or subgrantee that performed the direct services contemplated in the State's application certifying performance of such services.

The Performance Report may include examples of success stories about the services which were provided and the positive impact on the lives of children and families and should include the following information: an explanation of the activities carried out, including and assessment of the major activities supported by the family violence funds, what specific priorities within the State, Tribe, or Tribal organization were assessed, and what special emphases were placed on these activities; e.g., including under-served populations and a description of the specific services and facilities that your agency funded, contracted with, or otherwise used in the implementation of your program (e.g., shelters, safehouse, related assistance, programs for batterers).

Performance reports are due on an annual basis at the end of the calendar year (December 29).

The statute also requires the Department to suspend funding for an approved application if any applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this announcement.

#### *D. Reporting Requirements: Departmental Grants Management Reports*

All State and Native American Tribal grantees are reminded that the annual Program Reports and annual Financial Status Reports (Standard Form 269) are

due 90 days after the end of each Federal fiscal year, i.e., reports are due on December 29 of each year.

#### *E. Required Certifications*

All applications must submit or comply with the required certifications found at Appendix C as follows:

- *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.

- *Certification Regarding Drug-Free Workplace Requirements and the Certification Regarding Debarment:* The signature on the application by the chief program official attests to the applicants intent to comply with the Drug-Free Workplace requirements and compliance with the Debarment Certification. The Drug-Free Workplace and Debarment certification do not have to be returned with the application.

- *Certification Regarding Environmental Tobacco Smoke:* The signature on the application by the chief program official attests to the applicants intent to 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 sub-awards which contain provisions for children's services and that all grantees shall certify accordingly.

#### **Part IV. Application Requirements for States**

##### *A. Eligibility: States*

"States" as defined in section 309(6) of the Act are eligible to apply for funds. The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the remaining eligible entity previously a part of the Trust Territory of the Pacific Islands—the Republic of Palau.

In the past, Guam, the Virgin Islands and the Commonwealth of the Northern Mariana Islands have applied for funds as a part of their consolidated grant under the Social Services Block grant (the Republic of Palau has applied for funds through the Community Services Block Grant). These jurisdictions need not submit an application under this Program Announcement if they choose to have their allotment included as part of a consolidated grant application.

##### *B. Approval/Disapproval of a State's Application*

The Secretary will approve any application that meets the requirements

of the Act and this announcement and will not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove has been provided to the applicant and after a 6-month period providing an opportunity for applicant to correct any deficiencies.

The notice of intention to disapprove will be provided to the applicant within 45 days of the date of the application.

### C. Content of the State Application

The State's application must be signed by the Chief Executive of the State or the Chief Program Official designated as responsible for the administration of the Act.

All applications must contain the following information or documents:

(1) The name of the State agency, the name of the Chief Program Official designated as responsible for the administration of funds under this Act, and the name of a contact person if different from the Chief Program Official (section 303(a)(2)(D)).

(2) A plan describing in detail how the needs of underserved populations will be met, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation (section 303(a)(2)(c)).

(a) Identify the underserved populations that are being targeted for outreach and services.

(b) In meeting the needs of the underserved population, describe the domestic violence training that will be provided to the individuals who will do the outreach and intervention to these populations. Describe the specific service environment, e.g., new shelters, services for the battered elderly, women of color etc.

(c) Describe the public information component of the State's outreach program; describe the elements of your program that are used to explain domestic violence, the most effective and safe ways to seek help, identify available resources, etc.

(3) Provide a complete description of the process and procedures used to involve State domestic violence coalitions and other knowledgeable individuals and interested organization to assure an equitable distribution of grants and grant funds within the State and between rural and urban areas in the State (sections 303(a)(2)(C) and 311(a)(5)).

(4) Provide a complete description of the process and procedures implemented that allow for the participation of the State domestic violence coalition in planning and monitoring the distribution of grant

funds and determining whether a grantee is in compliance with sections 303(a)(2)(A), 303(a)(3) and 311(a)(5).

(5) Provide a copy of the procedures developed and implemented that assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under the Act (section 303(a)(2)(E)).

(6) Include a description of how the State plans to use the grant funds, a description of the target population, and the expected results from the use of the grant funds (section 303(a)(4)).

(7) Provide a copy of the law or procedures that the State has implemented for the eviction of an abusive spouse from a shared household (section 303(a)(2)(F)).

All applications must contain the following assurances:

(a) That grant funds under the Act will be distributed to local public agencies and nonprofit private organizations (including religious and charitable organizations and voluntary associations) for programs and projects within the State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents (section 303(a)(2)(A)).

(b) That not less than 70 percent of the funds distributed shall be used for immediate shelter and related assistance to the victims of family violence and their dependents and not less than 25 percent of the funds distributed shall be used to provide related assistance (section 303(f)).

(c) That not more than 5 percent of the funds will be used for State administrative costs (section 303(a)(2)(B)(i)).

(d) That in distributing the funds, the States will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by non-profit private organizations, particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents and those which provide counseling, advocacy, and self-help services to victims and their children (section 303(a)(2)(B)(ii)).

(e) That grants funded by the States will meet the matching requirements in section 303(e), i.e., not less than 20 percent of the total funds provided for a project under this title with respect to an existing program, and with respect to an entity intending to operate a new program under this title, not less than 35 percent. The local share will be cash or in kind; and the local share will not include any Federal funds provided

under any authority other than this Title (section 303(e)). (This is a new provision added in the 1996 CAPTA reauthorization.)

(f) That grant funds made available under this program by the State will not be used as direct payment to any victim or dependent of a victim of family violence (section 303(c)).

(g) That no income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated to carry out the Act (section 303(d)).

(h) That the address or location of any shelter-facility assisted under the Act will not be made public, except with the written authorization of the person or persons responsible for the operation of such shelter (section 303(a)(2)(E)).

(i) That all grants made by the State under the Act will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (section 307).

(j) That funds made available under the FVPSA be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of the FVPSA.

(k) That States will comply with the applicable Departmental recordkeeping and reporting requirements and general requirements for the administration of grants under 45 CFR Parts 74 and 92.

## Part V. Application Requirements for Native American Tribes and Tribal Organizations

### A. Eligibility: Native American Tribes and Tribal Organizations

As described above, Native American Tribes and Tribal organizations are eligible for funding under this program if they meet the definition of such entities as found in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act and are able to demonstrate their capacity to carry out a family violence prevention and services program.

A list of currently eligible Native American Tribes and Tribal organizations is found at Appendix B of this Announcement. Any Native American Tribe or Tribal organization that believes it meets the eligibility criteria and should be included in the list of eligible tribes should provide supportive documentation and a request for inclusion in its application. (See Application Content Requirements below.)

As in previous years, Native American Tribes may apply singularly or as a consortium. In addition, a non-

profit private organization, approved by a Native American Tribe for the operation of a family violence shelter on a reservation is eligible for funding.

#### *B. Approval/Disapproval of a Native American Tribes Application*

The Secretary will approve any application that meets the requirements of the Act and this Announcement, and will not disapprove an application unless the Native American Tribe or Tribal organization has been given reasonable notice of the Department's intention to disapprove and an opportunity to correct any deficiencies (section 303(B)(2)).

#### *C. Native American Tribe/Tribal Organization Application Content Requirements*

The application from the Native American Tribe, Tribal organization, or nonprofit private organization approved by an eligible Native American Tribe, must be signed by the Chief Executive Officer of the Native American Tribe or Tribal organization.

*All applications must contain the following information/documents:*

(1) The name of the organization or agency and the Chief Program Official designated as responsible for administering funds under the Act, and the name, telephone number, and fax number, if available, of a contact person in the designated organization or agency.

(2) A copy of a current resolution stating that the designated organization or agency has the authority to submit an application on behalf of the Native American individuals in the Tribe(s) and to administer programs and activities funded under this program (section 303(b)(2)).

(3) A description of the procedures designed to involve knowledgeable individuals and interested organizations in providing services under the Act (section 303(b)(2)). For example, knowledgeable individuals and interested organizations may include: Tribal officials or social services staff involved in child abuse or family violence prevention, Tribal law enforcement officials, representatives of State coalitions against domestic violence, and operators of family violence shelters and service programs.

(4) A description of the Tribe's operation of and/or capacity to carry out a family violence prevention and services program. This might be demonstrated in ways such as the following:

(a) The current operation of a shelter, safehouse, or family violence prevention program;

(b) The establishment of joint or collaborative service agreements with a local public agency or a private nonprofit agency for the operation of family violence prevention activities or services; or

(c) The operation of social services programs as evidenced by receipt of "638" contracts with the Bureau of Indian Affairs (BIA); Title II Indian Child Welfare grants from the BIA; Child Welfare Services grants under Title IV-B of the Social Security Act; or Family Preservation and Family Support grants under title IV-B of the Social Security Act.

(5) A description of the services to be provided, how the Native American Tribe or Tribal organization plans to use the grant funds to provide the direct services, to whom the services will be provided, and the expected results of the services.

(6) Documentation of the procedures that assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under the Act (section 303(a)(2)(E)).

(7) The EIN number of the Native American tribe, Tribal organization, or non-profit organization submitting the application.

Each application must contain the following assurances:

(a) That not less than 70 percent of the funds shall be used for immediate shelter and related assistance for victims of family violence and their dependents and not less than 25% of the funds distributed shall be used to provide related assistance (section 303(f)).

(b) That grant funds made available under the Act will not be used as direct payment to any victim or dependent of a victim of family violence (section 303(c)).

(c) That the address or location of any shelter or facility assisted under the Act will not be made public, except with the written authorization of the person or persons responsible for the operations of such shelter (section 303(a)(2)(E)).

(d) That law or procedure has been implemented for the eviction of an abusing spouse from a shared household (section 303(a)(2)(F)).

### **Part VI. Other Information**

#### *A. Notification Under Executive Order 12372*

For States, this program is covered under Executive Order 12372,

"Intergovernmental Review of Federal Programs," for State plan consolidation and implication 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.

#### *B. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the application requirements contained in this notice have been approved by the Office of Management and Budget under control number 0970-0062.

#### *C. Certifications*

Applications must comply with the required certifications found at Appendix C as follows:

Anti-Lobbying Certification and Disclosure Form. Pursuant to 45 CFR Part 93, the certification must be signed and submitted with the application. If applicable, a standard form LLL, which discloses lobbying payments must be submitted.

Certification Regarding Drug-Free Workplace Requirements and the Certification Regarding Debarment: The signature on the application by the chief program official attests to the applicants 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.

Certification Regarding Environmental Tobacco Smoke: The signature on the application by the chief program official attests to the applicants intent to comply with the requirements of the Pro-Children Act of 1994. The applicant further agrees that it will require the language of this certification be included in any sub-awards 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: May 8, 1997.

**Donald Sykes,**

*Director, Office of Community Services.*

BILLING CODE 4184-01-P

## Appendix A

FY 97 FVPS ALLOTMENTS			2/3/97
STATES	CAN 4707	CAN 5568	TOTAL
ALABAMA	620,747	132,752	753,499
ALASKA	400,000	-	400,000
AMERICAN SAMOA	54,250	9,450	63,700
ARIZONA	615,639	131,659	747,298
ARKANSAS	400,000	40,087	440,087
CALIFORNIA	4,610,590	986,012	5,596,602
COLORADO	546,894	116,957	663,851
CONNECTICUT	478,003	102,225	580,228
DELAWARE	400,000	-	400,000
DIST. OF COLUMBIA	400,000	-	400,000
FLORIDA	2,067,601	442,173	2,509,774
GEORGIA	1,051,023	224,770	1,275,793
GUAM	54,250	9,450	63,700
HAWAII	400,000	-	400,000
IDAHO	400,000	-	400,000
ILLINOIS	1,726,650	369,257	2,095,907
INDIANA	846,978	181,132	1,028,110
IOWA	414,804	88,709	503,513
KANSAS	400,000	54,438	454,438
KENTUCKY	563,387	120,484	683,871
LOUISIANA	633,737	135,530	769,267
MAINE	400,000	-	400,000
MARYLAND	736,052	157,410	893,462
MASSACHUSETTS	886,531	189,592	1,076,123
MICHIGAN	1,393,726	298,059	1,691,785
MINNESOTA	672,853	143,895	816,748
MISSISSIPPI	400,000	77,824	477,824
MISSOURI	777,065	166,182	943,247
MONTANA	400,000	-	400,000
NEBRASKA	400,000	-	400,000
NEVADA	400,000	-	400,000
NEW HAMPSHIRE	400,000	-	400,000
NEW JERSEY	1,159,614	247,992	1,407,606
NEW MEXICO	400,000	-	400,000
NEW YORK	2,647,043	566,091	3,213,134
NORTH CAROLINA	1,050,147	224,582	1,274,729
NORTH DAKOTA	400,000	-	400,000
N. MARIANA ISLANDS	54,250	9,450	63,700
OHIO	1,627,546	348,064	1,975,610
OKLAHOMA	478,441	102,318	580,759
OREGON	458,445	98,042	556,487
PALAU	15,074	-	15,074
PENNSYLVANIA	1,761,971	376,811	2,138,782
PUERTO RICO	400,000	-	400,000
RHODE ISLAND	400,000	-	400,000
SOUTH CAROLINA	536,093	114,648	650,741
SOUTH DAKOTA	400,000	-	400,000
TENNESSEE	767,140	164,059	931,199
TEXAS	2,732,865	584,444	3,317,309
UTAH	400,000	-	400,000
VERMONT	400,000	-	400,000
VIRGIN ISLANDS	54,250	9,450	63,700
VIRGINIA	965,931	206,572	1,172,503
WASHINGTON	792,682	169,522	962,204
WEST VIRGINIA	400,000	-	400,000
WISCONSIN	747,728	159,908	907,636
WYOMING	400,000	-	400,000
TOTAL	43,400,000	7,560,000	50,960,000

APPENDIX B		APPENDIX B—Continued		APPENDIX B—Continued	
State	Tribe name	State	Tribe name	State	Tribe name
AK ...	Chevak Native Village	AK ...	Douglas Indian Association	AK ...	Qagan Tayagungin Tribe
AK ...	Lime Village	AK ...	Native Village of Eagle	AK ...	Nondalton Village
AK ...	Village of Aniak	AK ...	Noorvik Native Community	AK ...	Nome Eskimo Community (IRA)
AK ...	Anvic Village	AK ...	Village of Hotlik	AK ...	Native Village of NoatAK (IRA)
AK ...	Village of Artic Village	AK ...	Organized Village of Kwethluk (IRA)	AK ...	Ninilchik Village Traditional
AK ...	Native Village of Atka	AK ...	Egegik Village	AK ...	Native Village of Nikolski (IRA)
AK ...	Levelock Village	AK ...	Eklutna Native Village	AK ...	Nikolai Village
AK ...	Village of Atmautluak	AK ...	Native Village of Ekuk	AK ...	Native Village of Nightmute
AK ...	Atqasuk Village	AK ...	Ekwook Village	AK ...	Yakutat Tlingit Tribe
AK ...	New Stuyahok Village	AK ...	Native Village of Goodnews	AK ...	Native Village of Tazlina
AK ...	Village of Chefomak	AK ...	Organized Village of Grayling	AK ...	St. George Island
AK ...	Village of Anaktuvuk Pass	AK ...	Gulkana Village	AK ...	Native Village of St. Michael
AK ...	Chickaloon Native Village	AK ...	Native Village of Kongiganak	AK ...	Aleut Community of St. Paul
AK ...	Native Village of Chignik	AK ...	Koliganet Village	AK ...	Stebbins Community
AK ...	Native Village of Larsen Bay	AK ...	Native Village of Kotzebue	AK ...	Native Village of Stevens (IRA)
AK ...	Native Village of Chignik	AK ...	Seldovia Village Tribe	AK ...	Village of Stoney River
AK ...	Chignik Lake Village	AK ...	Rampart Village	AK ...	Takotna Village
AK ...	Chilkat Indian Village	AK ...	Village of Red Devil	AK ...	Native Village of Tanacross
AK ...	Chilkoot Indian Association	AK ...	Native Village of Ruby	AK ...	Umkumiut Native Village
AK ...	Native Village of Kwinhagak	AK ...	Iqurmuit Tribe (Russian)	AK ...	Native Village of Tatitlek (IRA)
AK ...	Native Village of Chenega (IRA)	AK ...	Village of Salamatof	AK ...	Native Village of Hamilton
AK ...	Native Village of Mekoryuk	AK ...	Qagun Tayagungin Tribe of	AK ...	Telida Village
AK ...	Nenana Native Association	AK ...	Native Village of Savoonga (IRA)	AK ...	Native Village of Teller
AK ...	Native Village of Nelson Lagoon	AK ...	Organized Village of Saxman	AK ...	Native Village of Tetlin (IRA)
AK ...	Native Village of Napaskiak	AK ...	Native Village of Solomon	AK ...	Traditional Village of Togiak
AK ...	Native Village of Napaimute	AK ...	Native Village of Selawik (IRA)	AK ...	Native Village of Toksook Bay
AK ...	Native Village of Napakiak (IRA)	AK ...	Native Village of Port Heiden	AK ...	Tuluksak Native Community
AK ...	Native Village of Nanwalek	AK ...	Shageluk Native Village (IRA)	AK ...	Native Village of Tuntutuliak
AK ...	Naknek Native Village	AK ...	Native Village of Shaktoolik	AK ...	Native village of Tununak (IRA)
AK ...	Asa' Carsarmuit Tribe of Mt.	AK ...	Native Village of Sheldon's	AK ...	Twin Hills Village
AK ...	Angoon Community	AK ...	Native Village of Shishmaref	AK ...	Native Village of Tanana (IRA)
AK ...	Mentasta Lake Village	AK ...	Shoonaq' Tribe of Kodiak	AL ...	Poarch Band of Creek Indians
AK ...	Yupit of Andreaski	AK ...	Native Village of Shungnak	AZ ...	AK Chin Indian Community
AK ...	McGrath Native Village	AK ...	Sitka Tribe of Alaska (IRA)	AZ ...	San Juan Southern Paiute Council
AK ...	Native Village of Mary's Igloo	AK ...	Skaguay Traditional Council	AZ ...	Yavapai-Prescott Board of Directors
AK ...	Native Village of Marshall (aka)	AK ...	Newhalen Village	AZ ...	Yavapai-Apache Community Council
AK ...	Manokotak Village	AK ...	Native Village of Scammon Bay	AZ ...	White Mountain Apache Tribal Council
AK ...	Manley Hot Springs Village	AK ...	Petersburg Indian Association	AZ ...	Tohono O' odham Council
AK ...	Village of Lower Kalskag	AK ...	Northway Village	AZ ...	Quechan Tribal Council
AK ...	Native Village of Ambler	AK ...	Native Village of Nuiqsut	AZ ...	San Carlos Tribal Council
AK ...	Metlakatla Indian Community	AK ...	Nulato Village	AZ ...	Salt River Pima-Maricopa Indian
AK ...	Koyukuk Native Village	AK ...	Native Village of Nunapitchuk	AZ ...	Pascua Yaqui Tribal Council
AK ...	Native Village of Mento (IRA)	AK ...	Native Village of Ohogamiut	AZ ...	Colorado river Tribal Council
AK ...	Native Village of Kipnuk	AK ...	Village of Old Harbor	AZ ...	Tonto Apache Tribal Council
AK ...	Native Village of Kwigillingok (IRA)	AK ...	Orutsarmuit Native Council,	AZ ...	Cocopah Tribal Office
AK ...	Healy Lake Village	AK ...	Oscarville Traditional Council	AZ ...	Kaibab Paiute tribal Council
AK ...	Knit Tribe	AK ...	Native Village of Ouzinkie	AZ ...	Mohave-Apache Community
AK ...	Holy Cross Village	AK ...	Portage Creek Village	AZ ...	Hualapai Tribal Council
AK ...	Hoonah Indian Association	AK ...	Native Village of Perryville (IRA)	AZ ...	Havasupai Tribal Council
AK ...	Native Village of Hooper Bay	AK ...	Native Village of Port Lions	AZ ...	Hopi Tribal Council
AK ...	Hughes Village	AK ...	Native Village of Piamuit	AZ ...	Gila River Indian Community
AK ...	Native Village of Kluti-Kaah	AK ...	Native Village of Pilot Point	CA ...	Paskenta Band of Nomlaki Indians
AK ...	Native Village of Kobuk	AK ...	Pilot Station Traditional Council	CA ...	Pechanga Band of Mission
AK ...	Native Village of Kivalina (IRA)	AK ...	Native Village of Pitka's Point	CA ...	Picayune Rancheria
AK ...	Kokhanok Village	AK ...	Platinum Traditional Village	CA ...	Pinoleville Indian Reservation
AK ...	Huslia Village	AK ...	Native Village of Point Hope	CA ...	Pit River Tribal Council
AK ...	King Island Native Community (IRA)	AK ...	Native Village of Point Lay	CA ...	Potter valley Rancheria
AK ...	Agdaagux Tribe of King Cove	AK ...	Port Graham Village	CA ...	Redding Rancheria
AK ...	Native Village of Kiana	AK ...	South Naknek Village	CA ...	Ramona Band oc Cahuilla
AK ...	Native Village of Karluk (IRA)	AK ...	Pedro Bay Village	CA ...	Coast Indian Community of the
AK ...	Organized Village of Kasaan	AK ...	Native Village of Paimiut	CA ...	Redwood Valley Rancheria
AK ...	Native Village of Kasiglik	AK ...	Village of Sleetmute	CA ...	Pauma Band of Mission Indians
AK ...	Kenaitze Indian Tribe (IRA)	AK ...	Native Village of Unalakleet	CA ...	Rincon Band of Mission Indians
AK ...	Ketchikan Indian Corporation	AK ...	Native Village of Unga	CA ...	Quartz Valley Reservation
AK ...	Klawock Cooperative	AK ...	Qawalangin Tribe of Unalaska,	CA ...	Pala Band of Mission
AK ...	Native Village of Eek	AK ...	Village of Wainwright	CA ...	North Fork Rancheria
AK ...	Newtok Village	AK ...	Native Village of Wales (IRA)	CA ...	Morongo Band
AK ...	Chinik Eskimo Community (aka)	AK ...	Native Village of White	CA ...	Mooretown Rancheria
AK ...	Native Village of Koyuk (IRA)	AK ...	Wrangell Cooperative	CA ...	Middletown Rancheria
AK ...	Native Village of Dillingham	AK ...	Ugashik Village	CA ...	Mesa Grande Band of Mission
AK ...	Native Village of Diomedea	AK ...	Village of Ohogamiut	CA ...	Manzanita General Council
AK ...	Village of Dot Lake	AK ...	Native Village of Tyonek (IRA)	CA ...	Robinson Rancheria

APPENDIX B—Continued		APPENDIX B—Continued		APPENDIX B—Continued	
State	Tribe name	State	Tribe name	State	Tribe name
CA ...	Lyton Rancheria	CA ...	Coyote Valley Reservation	NV ...	Stewart Community Council
CA ...	Scotts Valley Band of Pomo	CA ...	Cortina Rancheria	NV ...	Yomba Tribal Council
CA ...	Los Coyotes Band of Mission	CA ...	Colusa Rancheria	NV ...	Las Vegas Tribal Council
CA ...	Lone Pine reservation	CA ...	Cold Springs Rancheria	NV ...	Tribal Council of the Te-Moak
CA ...	Laytonville Rancheria	CA ...	Cloverdale Rancheria	NV ...	Yerington Paiute Tribal Council
CA ...	La Posta Band	CA ...	Chico Rancheria	NV ...	Fort McDermitt Tribal Council
CA ...	Manchester/Point Arena	CA ...	Chicken Ranch Rancheria	NV ...	Fallon Business Council
CA ...	Stewarts Point Rancheria	CA ...	Fort Bidwell Reservation	NV ...	Ely Colony Council
CA ...	Yurok Tribe	CO ..	Southern Ute Tribe	NV ...	Elko Band Council
CA ...	Viejas Tribal Council	CT ...	Mohegan Tribe of Indians of	NV ...	Duckwater Shoshone Tribal
CA ...	Upper Lake Rancheria	FL ....	Seminole Tribe of Florida	NY ...	Oneida Indian Nation of New
CA ...	United Auburn Indian	IA ....	Sac & Fox Tribal Council	NY ...	Onondaga Nation
CA ...	Twenty Nine Palms Band of	ID ....	Northwestern Band of Shoshoni	NY ...	Seneca Nation of Indians
CA ...	Tuolumne Me-wuk Rancheria	ID ....	Nez Perce Tribal Executive	OK ...	Kaw Executive Committee
CA ...	Tule River Reservation	ID ....	Kootenai Tribal Council	OK ...	Miami Tribe of Oklahoma
CA ...	Trinidad Rancheria	ID ....	Fort Hall Business Council	OK ...	Kickapoo of Oklahoma Business
CA ...	Torres-Martinez Desert Cahuilla	ID ....	Coeur D' Alene Tribal Council	OK ...	Kialegee Tribal Town
CA ...	Timbisha Shoshone Tribe	KS ...	Prairie Band Potawatomi of	OK ...	Cherokee Nation of Oklahoma
CA ...	Table Mountain Rancheria	KS ...	Kickapoo Tribe of Kansas	OK ...	Alabama-Quassarte Tribal
CA ...	Table Bluff Rancheria	ME ..	Passamaquoddy-Indian	OK ...	Ponca Business Committee
CA ...	Santa Ynez Band of Mission	ME ..	Passamaquoddy-Pleasant Point	OK ...	Kiowa Business Committee
CA ...	Susanville Rancheria	ME ..	Penobscot Nation	OK ...	Otoe-Missouria Tribal Council
CA ...	Bear River Band of Rohnerville	MI ....	Little Traversa Bay Band of	OK ...	Choctaw Nation of Oklahoma
CA ...	Soboba Band of Mission Indians	MI ....	Saginaw Chippewa Tribal	OK ...	Iowa Tribe of Oklahoma
CA ...	Smith River Rancheria	MI ....	Bay Mills Executive Council	OK ...	Modok Tribe of Oklahoma
CA ...	Shingle Springs Rancheria	MI ....	Lac Vieux Desert Band of Lake	OK ...	Osage Nation of Oklahoma
CA ...	Sherwood Valley Rancheria	MI ....	Grand Traverse Tribal Council	OK ...	Ottawa Tribe of Oklahoma
CA ...	Fort Independence Reservation	MI ....	Hannahville Indian Community	OK ...	Wyandotte Tribe of Oklahoma
CA ...	Santa Ysabel Band of Mission	MI ....	Keweenaw Bay Tribal Council	OK ...	Pawnee Business Council
CA ...	La Jolla Band	MI ....	Sault Ste. Marie Chippewa	OK ...	Peoria Indian Tribe of Oklahoma
CA ...	Santa Rosa Reservation	MI ....	Pokagon Band of Potawatomi	OK ...	Quapaw Tribal Business
CA ...	Santa Rosa Rancheria	MI ....	Little River Band of Ottawa	OK ...	United Keetoowah Band of
CA ...	San Pasqual Band	MN ..	Mille Lacs Reservation Business	OK ...	Chickasaw Nation
CA ...	San Manuel Band of Mission	MN ..	White Earth Reservation	OK ...	Muscogee Creek Nation of
CA ...	Rumsey Rancheria	MN ..	Prairie Island Community	OK ...	Thlopthlocco Tribal Town
CA ...	Round Valley Reservation	MN ..	Leech Lake Reservation	OK ...	Seminole Nation of Oklahoma
CA ...	Sycuan Business Committee	MN ..	Shakopee Sioux Business	OK ...	Seneca-Cayuga Tribe of
CA ...	Big Lagoon Rancheria	MN ..	Upper Sioux Board of Trustees	OR ..	Confederated Tribes of the Grande
CA ...	Cahuilla Band of Mission	MN ..	Red Lake Band of Chippewa	OR ..	Klamath General Council
CA ...	Cabazon Indians of California	MN ..	Fond du Lac Reservation	OR ..	Cow Creek Band of Umpqua
CA ...	Buena Vista Rancheria	MN ..	Bois Forte Reservation Tribal	OR ..	Confederated Tribes of the
CA ...	Bridgeport Indian Colony	MN ..	Minnesota Chippewa Tribal	OR ..	Confederated Tribes of Coos
CA ...	Blue Lake Rancheria	MN ..	Lower Sioux Indian Community	OR ..	Burns-Paiute General Council
CA ...	Karuk Tribe of California	MN ..	Grand Portage Reservation	OR ..	Coquille Indian Tribes
CA ...	Big Valley Rancheria	MO ...	Eastern Shawnee Tribe of	RI ....	Narrangansett Indian Tribe
CA ...	Grindstone Rancheria	MT ...	Confederated Salish & Kootenai	SD ...	Sisseton-Wahpeton Sioux Tribal
CA ...	Campo Band of Mission Indians	ND ...	Three Affiliated Tribes Business	SD ...	Yankton Sioux Tribal Business
CA ...	lone Band of Miwok	ND ...	Standing Rock Sioux Tribe	TX ...	Kickapoo Traditional Tribe
CA ...	Bishop Reservation	ND ...	Turtle Mountain Tribal Council	UT ...	Goshute Business Council
CA ...	Berry Creek Rancheria	NE ...	Winnebago Tribal Council	UT ...	Unitah & Ouray Tribal Business
CA ...	Benton Paiute Reservation	NM ..	Pueblo of Santa Ana	UT ...	Skull Valley General Council
CA ...	Barona General Business	NM ..	Pueblo of Tesuque	UT ...	Paiute Indian Tribe of Utah
CA ...	Alturas Rancheria	NM ..	Pueblo of Taos	WA ..	Upper Skagit Tribal Council
CA ...	Agua Caliente Tribal Council	NM ..	Pueblo of Santa Clara	WA ..	Lummi Business Council
CA ...	Winemucca Indian Colony	NM ..	Pueblo of Sandia	WA ..	Yakama Tribal Council
CA ...	Woodfords Community Council	NM ..	Pueblo of San Juan	WA ..	Kalispel Business Committee
CA ...	Fort Mohave Tribal Council	NM ..	Pueblo of San Felipe	WA ..	Muckleshoot Tribal Council
CA ...	Big Pine Reservation	NM ..	Pueblo of San Ildefonso	WA ..	Sauk-Suiattle Tribal Council
CA ...	Elem Indian Colony of Pomo	NM ..	Pueblo of Santo Domingo	WA ..	Chehalis Business Council
CA ...	Jackson Rancheria	NV ...	South Fork Band Council	WA ..	Jamestown S' Klallam Tribal
CA ...	Big Sandy Rancheria	NV ...	Moapa Band of Paiute	WA ..	Colville Business Council
CA ...	Jamul Band of Mission Indians	NV ...	Lovelock Tribal Council	WA ..	Lower Elwha Community
CA ...	Cedarville Rancheria	NV ...	Pyramid Lake Paiute Tribal	WA ..	Makah Tribal Council
CA ...	Hoopa Valley Tribal Council	NV ...	Reno-Sparks Tribal Council	WA ..	Nisqually Indian Community
CA ...	Guidiville Rancheria	NV ...	Shoshone Paiute Business	WA ..	Nooksac Indian Tribal Council
CA ...	Greenville Rancheria	NV ...	Summit Lake Paiute Council	WA ..	Port Gamble S' Klallam Tribe
CA ...	Chemehuevi Tribal Council	NV ...	Battle Mountain Band Council	WA ..	Puyallup Tribal Council
CA ...	Inaja-Cosmit Band of Mission	NV ...	Wells Indian Colony Band	WA ..	Quileute Tribal Council
CA ...	Elk Valley Rancheria	NV ...	Walker River Paiute tribal Council	WA ..	Quinault Indian Nation
CA ...	Hopland Reservation	NV ...	Washoe Tribal Council	WA ..	Hoh Tribal Business Council
CA ...	Dry Creek Rancheria	NV ...	Carson Colony Community	WI ...	Forest County Potawatomi
CA ...	Cuyapaipe Band of Mission	NV ...	Dresslerville Community	WI ...	The Ho-Chunk Nation

APPENDIX B—Continued

State	Tribe name
WI ...	Lac Courte Oreilles Governing
WI ...	Lac du Flambeau Tribal Council
WI ...	Bad River Tribal Council
WI ...	Menominee Indian Tribe of
WI ...	Onida Tribal Council
WI ...	Red Cliff Tribal Council
WI ...	Sokagon Chippewa Tribal
WI ...	Stockbridge—Munsee Tribal
WI ...	St. Croix Council

Appendix C—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 an 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.

Statement for Loan Guarantees 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 any 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

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB  
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change</p> <p>For material change only  Year _____ Quarter _____    date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b></p> <p><input type="checkbox"/> Prime                                      <input type="checkbox"/> Subawardee  Tier _____, if known.</p>  <p>Congressional District, if known _____</p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p>   <p>Congressional District, if known _____</p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> <p>\$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):</p>	<p><b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI):</p>	
<p>Items 11 through 15 are deleted.</p>		
<p>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only:</p>	<p>Authorized for Local Reproduction Standard Form - LLL</p>	

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(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 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, SW., Washington, DC 20201.

#### Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

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

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards 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, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. 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.

6. Workplace identification 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).

7. If the workplace identified to the agency 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 paragraph five).

8. 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 U.S.C. 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).

#### Certification Regarding Drug-Free Workplace Requirements

##### Alternate I. (Grantees Other Than Individuals)

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 paragraph (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 paragraph (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).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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

##### Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

##### Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's 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.

3. The certification in this clause is a material representation of fact upon which

reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant 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 by any Federal department or agency;

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

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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

##### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier

participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [Page 33043] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

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

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**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 routinely owned or leased or contracted for by an entity and used routinely or regularly for 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.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

[FR Doc. 97-12939 Filed 5-15-97; 8:45 am]

BILLING CODE 4184-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 97N-0151]

**Agency Information Collection Activities; Submission for OMB Review; Comment Request**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

**DATES:** Submit written comments on the collection of information by June 16, 1997.

**ADDRESSES:** Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

**FOR FURTHER INFORMATION CONTACT:** Judith V. Bigelow, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B-19, Rockville, MD 20857, 301-827-1479.

**SUPPLEMENTARY INFORMATION:** In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Application for Exemption From Federal Preemption of State and Local Medical Device Requirements—21 CFR Part 808—(OMB Control No. 0910-0129—Reinstatement)**

Section 521(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21

U.S.C. 360k(a)) provides that no State or local government may establish, or continue in effect, any requirement with respect to a medical device that is different from, or in addition to, any Federal requirement applicable to the device under the act. Under section 521(b) of the act, following receipt of a written application from the State or local government involved, FDA may exempt from preemption a requirement that is more stringent than the Federal requirement, or that is necessitated by compelling local conditions and compliance with the requirement would not cause the device to be in violation of any portion of any requirement under the act. Exemptions are granted by regulation issued after notice and opportunity for an oral hearing.

The regulations in 21 CFR 808.20 require a State or local government that is seeking an exemption from preemption to submit an application to FDA. The application must include a copy of the State or local requirement, as well as information about its interpretation and application, and a statement as to why the applicant believes that the requirement qualifies for exemption from preemption under the act. FDA will use the information in the application to determine whether the requirement meets the criteria for exemption in the act and whether granting an exemption would be in the interest of the public health.

In addition, 21 CFR 808.25 provides that an interested person may request a hearing on an application by submitting a letter to FDA following the publication by FDA of a proposed response to the application.

FDA estimates the burden of this collection of information as follows:

**ESTIMATED ANNUAL REPORTING BURDEN**

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
808.20	3	1	3	100	300
808.25	3	1	3	10	30
Total	6	2	6	110	330

There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA based its estimates of the number of submissions expected on the number of submissions submitted in the last 3 years and on the number of inquiries

received indicating that applications would be submitted in the next year. FDA based its estimates of the time required to prepare submissions on

discussions with those who have prepared submissions in the last 3 years.