

Humphrey Building, 200 Independence Avenue SW, Washington DC, 20201. Written comments should be received within 60 days of this notice.

Dated: December 29, 1999.

**Dennis P. Williams,**

*Deputy Assistant Secretary, Budget.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. 93612-002]

#### Availability of Financial Assistance To Investigate the Feasibility of Tribal Energy Sales

**AGENCY:** Administration for Native Americans (ANA), ACF, DHHS.

**ACTION:** Announcement of availability of competitive financial assistance to assist planning that examines and develops Tribal regulatory, management and energy conservation capabilities and opportunities available. Planning activities is an approach to addressing the mitigation of Indian lands due to DOD activities to Indian lands.

**SUMMARY:** The Administration for Native Americans (ANA) has cancelled the January 22, 1999 announcement, which announced the availability of financial assistance for the mitigation of environmental impacts on Indian lands due to Department of Defense Activities. (Program Announcement No. 93612-993) The cancellation of the January 22, 1999 announcement was published in the **Federal Register** on September 14, 1999. (Program announcement No. 93612-0002)

The Congress has recognized that DOD activities may have caused environmental problems for Indian tribes and Alaska Natives. These environmental hazards can negatively impact the health and safety as well as the social and economic welfare of Indian tribes and Alaska Natives. Accordingly, the Congress has taken steps to help those affected begin to mitigate environmental impacts from DOD activities by assisting them in the planning, development and implementation of programs for such mitigation. This environmental mitigation program was begun through a program announcement published on December 29, 1993 as a response to the Department of Defense Appropriations Act, Pub. L. 103-139, which was enacted on November 11, 1993.

This program continues under Pub. L. 103-335 (the Act), enacted on September 30, 1994. Section 8094A of the Act states that funds appropriated to the Department of Defense (DOD) for Operations and Maintenance Defense-Wide, not less than \$8,000,000 shall be made available until expended to the Administration for Native Americans. Provided that such funds shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritizing of mitigation, on Indian lands resulting from Department of Defense activities. This program announcement primarily focuses on planning projects that investigate the feasibility of tribal energy sales through energy development, as a means of mitigating Indian lands. Mitigation as defined in 40 CFR 1508.20 includes "(e) Compensating for the impact by replacing or providing substitute resources or environments".

#### Application Kit

Application kits, are approved by the OMB under control number 0980-0204, which expired August 31, 1999. ANA has asked OMB for a six-month extension to use the kit while a new version is developed, reviewed and approved. We anticipate that the new kit will be available in January 2000. The current kit remains valid and contains the necessary forms and instructions to apply for a grant under this program announcement.

Application kits may be obtained from ANA training and technical assistance providers. ANA employs contractors to provide short-term training and technical assistance (T/TA) to eligible applicants. T/TA is available under these contracts for a wide range of needs; however, the contractors are not authorized to write applications. The T/TA is provided at no cost.

To obtain an application kit and/or training and technical assistance, applicants are encouraged to contact the appropriate T/TA provider within the appropriate service area. Each contractor's telephone number is listed below. You may also call: Administration for Native Americans, Applicant Help Desk, 202-690-7776; or visit ANA's web site listing of current providers at: [www.acf.dhhs.gov/programs/ana](http://www.acf.dhhs.gov/programs/ana).

*The ANA technical assistance providers for this announcement are in four areas divided as follows:*

*Area 1, Eastern serves federally recognized Tribes in AL, AR, CT, DE, FL, GA, IL, IN, KY, KS, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, and WV.* (Native American Management Services, Inc. 888-221-9686 toll free or 703-821-2226)

*Area 2, Central federally recognized Tribes in AZ, CO, IA, KS, ND, NE, NM, MO, MT, OK, SD, UT, WY, NV, ID, and TX.* (RJS and Associates, Inc. 888-838-4757 toll free)

*Area 3, Western serves federally recognized Tribes in CA, OR and WA.* (Development Associates, Inc. 800-666-9711 toll free or (925-935-9711)

*Area 4, Alaska serves all eligible applicants in AK.* (Native American Management Services, Inc. 877-770-6230 toll free or 907-770-6230)

*Copies of this program announcement and many of the required forms may be obtained electronically at the ANA World Wide Web Page:*

[www.acf.dhhs.gov/programs/ana](http://www.acf.dhhs.gov/programs/ana).

The printed **Federal Register** notice is the only official program announcement. Although all reasonable efforts are taken to assure that the files on the ANA World Wide Web Page containing electronic copies of the Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

**DATES:** The closing date for submission of applications is March 10, 2000.

#### Part I: Supplementary Information

##### A. Introduction and Purpose

The program announcement states the continued availability of unobligated fiscal year 1995 financial assistance to eligible applicants using DOD funds under Pub. L. 103-335. The purpose of funds available under this announcement is for planning projects that examine the feasibility for Tribal energy sales through energy resources as a means to mitigate damages done by DOD.

Financial assistance awards made under this program announcement will be on a competitive basis and the proposals will be reviewed against the evaluation criteria in this announcement.

The Federal government recognizes that substantial environmental problems, resultant from defense activities, exist on Indian lands. It also recognizes its special Trust responsibility to protect the land and resources of Tribal lands as well as the

health and safety of Tribal communities. Therefore, ANA and DOD have joined together to assist those Indian Tribes and Alaska Natives who have been affected by DOD activities to plan for the development of their own technical capabilities and management capacity to remediate or mitigate those impacts.

It is recognized that the economic, social and political integrity of Indian Tribes and Alaska Natives as well as their specialized cultural knowledge and values are important considerations in the planning of strategies to mitigate the social and economic impacts of environmental damage sustained by those lands from DOD activities.

Indian Tribes and Alaska Natives are experiencing unprecedented population growth but their economies are not fully developed to sustain their communities. As a result the development of sustainable local economies is a major goal shared by Indian Tribes and Alaska Native villages with the federal government. Therefore the plans developed by Indian Tribes and Alaska Native villages to mitigate the affects of impacts to their lands and communities resultant from DOD activities are expected to reflect their priority for social and economic development.

An emergent aspect of Indian and Alaska Native social and economic development are the opportunities to address the service issues and costs of electric power made possible by new Federal electricity policies. The Western Area Power Administration (WAPA) and Bonneville Power Administration (BPA), electric power marketing agencies of the Department of Energy are, for the first time since the construction of Federal water projects by the Army Corps of Engineers and the Bureau of Reclamation, making direct allocations to Indian Tribes. Additionally, the government regulated electricity industry is moving toward open competition through Federal and state restructuring processes. These policy changes often referred to as "deregulation" present opportunities for energy/electricity development as strategies that impact mitigation.

ANA recognizes that energy conservation, management and development require comprehensive and integrated planning to allow for local Tribal and Alaska Native values and priorities to be expressed in their own policy and programs that develop their regulatory, management and energy conservation capabilities. Under this one time only announcement, proposals will be accepted from eligible applicants for assistance in planning for energy/electricity conservation or alternative or renewable energy resource

development, management or development. Proposals for implementing projects related to electricity and energy will not be accepted under this program announcement.

#### *B. Proposed Projects to be Funded*

The purpose of this announcement is to invite single year (twelve to seventeen month) proposals from eligible applicants to undertake Tribal specific planning for using energy/electricity strategies for mitigating social, economic community impacts arising from environmental damage to Indian lands by DOD activities.

ANA continues its policy that an applicant may only submit one application under this competitive area and no applicant may receive more than one grant in any of ANA's competitive areas. ANA introduces two new requirements within the review criteria for budgets in applications. All applicants must clearly demonstrate a plan for an employee fringe benefit package, which includes an employee 5% retirement plan benefit, and the funding of travel for key personnel to attend post-award grant management and administration training sponsored by ANA.

Applicants may only apply for planning projects of up to 17 months duration. The following are some areas of known opportunity. ANA intends these to be viewed, as examples that may relate to Tribal or community specific concerns and applicants will identify their own local priorities in their applications. (It is expected that applicants may identify additional areas of concern in their applications):

- Data gathering and planning requirements for making application for allocation of electric power from a Federal Power Marketing Administration, e.g. Western Area Power Administration (WAPA) and Bonneville Power Administration (BPA). These data collections may range from documenting the size and peak consumption levels of electricity by the Tribe or community to documenting the number and types of electricity consumers within Tribal jurisdiction to more sophisticated long range Integrated Electricity Resource Plans, or
- Plans to investigate the development of local energy resources such as wind, solar, natural gas, coal, biomass, geothermal or co-generation of electric power that may be dispersed generation.
- Development of an integrated energy resource and infrastructure plan that takes into account the local conventional and renewable energy

resource base of Indian Tribes and Alaska Native villages.

- Development of energy efficiency and conservation to reduce the cost and consumption of energy without reducing economic and social well being. Often the money saved from well developed plans for energy conservation exceed the costs of implementing the conservation plan, providing a means to implement the plan with existing resources.

- Development of plans to achieve a balanced and sustainable energy supply that is reliable and affordable by aggregating the Tribe's electricity load for bulk purchasing.

The purpose of grants funded through this program announcement is to promote planning for energy self-determination among American Indian Tribes. Research and planning is needed for a comprehensive review of tribal energy resources. Energy planning is a complex endeavor that takes into consideration the following:

- Existing energy usage,
- Historical trends of energy consumption,
- Tribal demographics,
- Changes in patterns of energy using behavior,
- Presently available sources of energy to meet energy loads,
- Future planned sources of energy to meet future energy loads,
- Energy resource requirements beyond existing energy plans,
- Capital requirements and availability for energy projects.

The following bullets provide descriptions of activities that are consistent with the philosophy of this program announcement. Proposed activities should be tailored to reflect the energy development needs of the local community and should be consistent and supportive of the proposed project activities. The types of planning projects which ANA may fund will address some or all of the following topics or similar topics:

- Studies of reservation energy load profiles and load forecasts including specific studies of residential, commercial, and industrial energy end-use applications;
- Analysis of utility records of energy consumption by customer and customer class;
- Identification, quantification and description of the energy use of Tribal members that are not served with utility connected services today, but who may be so served in the future;
- Tribal demographics;
- Determination of energy growth profiles among all energy segments of the Tribe residential, commercial, and

industrial. These growth profiles should be described as ranges above and below an average expected growth for a period of at least 10 years;

- Identification and evaluation of existing energy resources that serve current Tribal loads;
  - Identification and evaluation of future energy resources currently planned by the Tribes or others (e.g., utility companies) to meet future Tribal loads;
  - Review and evaluation of the sufficiency of existing and planned energy resources to meet Tribal loads both today and in the future;
  - Identification and review of alternatives to existing plans for meeting future Tribal electricity load growth, including both traditional sources (e.g., coal, oil, propane, diesel, and gas-fired generation) and non-traditional sources (e.g., fuel cells, photovoltaic cells, wind turbines, etc.).
  - Review of "village electrification" opportunities for non grid-connected local distribution systems and distributed generation (i.e. generation located at or near the load and scaled to the load, not a central generation plant feeding power to the grid);
  - Identification of feasible co-generation opportunities to maximize both the efficiency of energy utilization and the economic development potential for the Tribal community. (Co-generation facilities are agricultural or industrial facilities co-located with generation facilities that use the heat of the generator as well as its power.);
  - Identification of opportunities to develop power projects or other energy projects for export off Tribal lands to the energy marketplace;
  - Source of capital requirements for development of energy resources.
- The following is a list of major Federal environmental legislation that should be recognized in a regulatory review as all Federal, state and local regulatory requirements, which could have major impacts in the planning phase.
- Indian Environmental General Assistance Program Act of 1992;
  - Clean Air Act (CAA);
  - Clean Water Act (CWA);
  - Safe Drinking Water Act (SDWA);
  - Surface Mining Control and Reclamation Act of 1977 (SMCRA);
  - Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA);
  - Toxic Substances Control Act (TSCA);
  - Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA);
  - Nuclear Waste Policy Act of 1982 (NWPAA);

- Comprehensive Environmental Resource Conservation and Liability Act (CERCLA or Superfund);
  - Resource Conservation and Recovery Act of 1976 (RCRA);
  - Hazardous and Solid Waste Amendments of 1984 (HSWA);
  - National Environmental Policy Act of 1969 (NEPA);
  - Title XXVI of the National Energy Policy Act of 1992.
- Other Federal legislation that should be included in the regulatory review and that should be of assistance are the tribal specific legislative acts, such as:
- American Indian Religious Freedom Act;
  - National Historic Preservation Act of 1991;
  - Indian Environmental Regulatory Enhancement Act of 1990;
  - Native American Graves Protection and Repatriation Act of 1990.
- Other regulatory considerations could involve applicable tribal, village, state and local laws, codes, ordinances, standards, etc. which should also be reviewed to assist in planning, the mitigation design, and development of the comprehensive mitigation strategy.

#### C. Eligible Applicants

The following organizations are eligible to apply:

- Federally recognized Indian tribes;
  - Nonprofit Alaska Native Community entities, including Alaska Native villages, or tribal governing bodies (IRA or traditional councils) as recognized by the Bureau of Indian Affairs;
  - Nonprofit Alaska Native Regional Associations and/or Corporations with village specific projects;
  - Nonprofit Native organizations in Alaska with village specific projects.
- Applicants must comply with the following administrative policies:
- Current grantees funded under the previous DOD announcement dated January 22, 1999 who wish to apply for another phase of phases should apply under ANA's FY 2000 SEDS program announcement dated August 17, 1999. [Program Announcement No. 93612-001] or
  - Applicants interested in applying for one or more of the phases described in the January 22, 1999 announcement should apply under SEDS, provided the applicant does not have a current SEDS grant or has a SEDS grant that expires no later than September 29, 2000. ANA does continue however, its policy that an applicant may only submit one application per competitive area and may only receive one grant per competitive area.
  - An application from a federally recognized Tribe, Alaska Native Village

or Native American organization must be from the governing body of the Tribe or organization.

- ANA will not accept applications from tribal components which are tribally-authorized divisions of a larger tribe, unless the application includes a Tribal resolution which clearly demonstrates the Tribe's support of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period, should the application be funded.

- If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period, should the application be funded.

#### D. Available Funds

Subject to availability of funds, approximately \$1 million of financial assistance is available under this program announcement for eligible applicants. It is expected that about 15 awards will be made, ranging from \$50,000 to \$100,000.

Each eligible applicant described above can receive only one grant award under this announcement.

#### E. Grantee Share of Project

Grantees must provide at least five (5) percent of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions. The funds for the match must be from a private source, or state source where the funds were not obtained from the Federal government by the state, or a Federal source where legislation or regulation authorizes the use of these funds for matching purposes (e.g. Indian Self-Determination and Education Assistance funds, through the Department of Interior and the Department of Health and Human Services).

Therefore, a project requesting \$100,000 in Federal funds must include a match of at least \$5,263 (5% total

project cost). To calculate 5% non-Federal share multiply the Federal share by .05263. Applicants may request a waiver of the requirement for a 5% non-Federal matching share. Since the matching requirement is low it is not expected that waivers will be necessary. However, the procedure for requesting a waiver can be found in 45 CFR part 1336, Subpart E-Financial Assistance Provision.

As per 45 CFR 74.2 and 92.3, In-Kind contributions are defined as "the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program."

An itemized budget detailing the applicant's non-Federal share, and its source(s), must be included in the application.

If an applicant plans to charge or otherwise seek credit for indirect costs in its ANA application, a current copy of its Indirect Cost Agreement must be included in the application.

It is the policy of ANA to apply the waiver of the non-federal matching share requirement for the purposes of this particular program announcement.

#### F. Review Process

##### 1. Initial Application Review

Applications submitted by the post-marked date under this program announcement will undergo a pre-review to determine that:

- The applicant is eligible in accordance with the Eligible Applicants Section of this announcement.
- The application materials submitted are sufficient to allow the panel to undertake an in-depth evaluation (All required materials and forms are listed in the Grant Application Checklist.)

Applications subjected to the pre-review described above which fail to satisfy one or more of the listed requirements will be ineligible or otherwise excluded from competitive evaluation.

##### 2. Competitive Review of Accepted Applications

Applications that pass the pre-review will be evaluated and rated by an independent review panel on the basis of the specific evaluation criteria. These criteria are used to evaluate the quality of a proposed project, and to determine the likelihood of its success.

A proposed project should reflect the purposes stated and described in the Introduction and Program Purpose (Section A) of this announcement.

ANA staff cannot respond to requests for information regarding funding decisions prior to the official notification to the applicants.

After the Commissioner has made decisions on all applications, unsuccessful applicants are notified in writing within 30 days. The notification will be accompanied by a critique including recommendations for improving the application.

##### 3. Appeal of Ineligibility

Applicants who are excluded from competitive evaluation because of ineligibility, may appeal an ANA decision of applicant ineligibility. Likewise, applicants may also appeal an ANA decision that an applicant's proposed activities are ineligible for funding consideration. The appeals process is stated in the final rule published in the **Federal Register** on August 19, 1996 (61 FR 42817).

##### G. Criteria

The evaluation criteria are:

(1) Goals and Available Resources (30 points):

(a) The application presents specific planning goals relating to a proposed tribal energy retail project. The application explains how the tribe or village intends to achieve those goals identified in the application and clearly documents the involvement and support of the community in the planning process and implementation of the proposed project. ANA encourages the planning process to include community involvement. The above requirement may be met by submission of a resolution by a tribe or tribal organization stating that community involvement has occurred in the project planning and will occur in the implementation of the project.

(b) The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project. The type of community you serve and nature of the proposal being made, will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

(c) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. The Tribe can address work already underway. These resources may be personnel, facilities, vehicles or financial and may include

other Federal and non-Federal resources.

These resources should be documented by letters of commitment of resources, not merely letters of support. "Letters of commitment" are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. "Letters of support" merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of \$200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. Statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources and therefore carry less significance.

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (10 points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is well defined. The application clearly demonstrates the successful management of prior or current projects of similar scope by the organization and/or by the individuals designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Objective Work Plan and in the proposed budget. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes and/or

proposed position descriptions demonstrate that the proposed staff are or will be qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

**Note:** Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

### (3) Project Objectives, Approach and Activities (30 points).

The Objective Work Plan in the application includes project objectives and activities related to the long term goals for each budget period proposed and demonstrates that these objectives and activities:

- Are measurable and/or quantifiable;
- Are based on a fully described and locally determined balanced strategy for mitigation of impacts to the environment;
- Clearly relate to the tribe or village long-range goals which the project addresses;
- Can be accomplished with available or expected resources during the proposed project period;
- Indicate when the objective, and major activities under each objective will be accomplished;
- Specify who will conduct the activities under each objective; and
- Support a project that will be completed, self-sustaining, and leads the Tribe to an action plan.

### (4) Results or Benefits Expected (20 points).

The proposed project will result in specific measurable outcomes for each objective that will clearly contribute to the completion of the project and will help the tribe or village meet its goals. The specific information provided in the application on expected results or benefits for each objective is the basis upon which the outcomes can be evaluated at the end of each budget year.

### (5) Budget (10 points)

There is a detailed budget provided which:

- Fully explains the budget.
- Justifies each line item in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source.
- Explains sufficiently cost and other detail to facilitate the determination of cost allowability and the relevance of these costs to the proposed project.

- Demonstrates that the funds requested are appropriate and necessary for the scope of the project.

- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.

- Includes an employee fringe benefit budget that provides grant-funded employees with a qualified, self-directed, portable retirement plan in addition to Social Security. The applicant must provide a retirement plan fringe benefit for grant funded employees salaries of five (5) percent.

- ANA considers a retirement plan to be a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:

- The plan must be "qualified", *i.e.*, approved by the Internal Revenue Service to receive special tax-favored treatment.
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- The plan must be a 401(k) for people who work in corporations or 403(b) plan for people who work for not-for-profit organizations. An alternate proposal may be submitted for review and approval during grant award negotiations. An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc. In no case will a non-qualified deferred compensation plan, e.g., Supplemental Executive Retirement Plan (SERPs) or Executive Bonus Plan be accepted.

### H. Contact Information

Contact the ANA Applicant Help Desk at 202-690-7776 for assistance. You may also contact Sharon McCully at (202) 690-7776, or e-mail to [smccully@acf.dhhs.gov](mailto:smccully@acf.dhhs.gov).

### I. General Guidance to Applicants

The following is provided to assist applicants to develop a competitive application.

#### (1) Program Guidance:

- The Administration for Native Americans will fund projects that

present the strongest prospects for meeting the stated purposes of this program announcement. Projects will not be funded on the basis of need alone.

- In discussing the problems being addressed in the application, relevant historical data should be included so that the appropriateness and potential benefits of the proposed project will be better understood by the reviewers and decision-maker.

- Supporting documentation, if available, should be included to provide the reviewers and decision-maker with other relevant data to better understand the scope and magnitude of the project.

#### (2) Technical Guidance:

- Applicants are strongly encouraged to have someone other than the author apply the evaluation criteria in the program announcement and to score the application prior to its submission, in order to gain a better sense of its quality and potential competitiveness in the review process.

- ANA will accept only one application under this program announcement from any one applicant. If an eligible applicant sends two applications, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.

- An application from an Indian tribe, Alaska Native Village or other eligible organization must be submitted by the governing body of the applicant.

- The application's Form 424 must be signed by the applicant's representative (tribal official or designate) who can act with full authority on behalf of the applicant.

- The Administration for Native Americans suggests that the pages of the application be numbered sequentially from the first page and that a table of contents be provided. The page numbering, along with simple tabbing of the sections, would be helpful and allows easy reference during the review process.

- Two (2) copies of the application plus the original are required.

- The Cover Page should be the first page of an application, followed by the one-page abstract.

- Section B of the Program Narrative should be of sufficient detail as to become a guide in determining and tracking project goals and objectives.

- The applicant should specify the entire length of the project period on the first page of the Form 424, Block 13.

ANA will consider the project period specified on the Form 424 as governing.

- Line 15a of the Form 424 should specify the Federal funds requested for the Budget period.

## (3) Grant Administrative Guidance:

- The application Form 424 must be signed by the applicant's representative authorized to act with full authority on behalf of the applicant.

- The Administration for Native Americans recommends that the pages of the application be numbered sequentially and that a table of contents be provided. Simple tabbing of the sections of the application is also helpful to the reviewers.

- An application with an original signature and two additional copies are required.

- The Cover Page (included in the Kit) should be the first page of an application, followed by the one-page abstract.

- The applicant should specify the entire project length on the first page of the Form 424, Block 13. Should the application propose one length of project period and the Form 424 specify a conflicting length of project period, ANA will consider the project period specified on the Form 424 as the request. ANA may negotiate a reduction of the project period. The approved project period is shown on block 9 of a Financial Assistance Award.

- Line 15a of the Form 424 should specify the Federal funds requested for the Budget Period.

Applicants may propose a 17-month project period.

(4) Projects or activities that generally will not meet the purposes of this announcement:

- Proposals from consortia of tribes or villages that are not specific with regard to support from, and roles of member tribes.

- The purchase of real estate or construction.

*J. Paperwork Reduction Act of 1995 (Pub. L. 104-13)*

Public reporting burden for this collection of information is estimated to average 29.5 hours per response, including the time for reviewing instruction, gathering and maintaining the data needed, and reviewing the collection of information.

The following information collections are included in the program announcement Application Kit, OMB control number 0980-0204, expires August 31, 1999.

*K. Due Date for Receipt of Applications*

The closing date for applications submitted in response to this program announcement is March 10, 2000.

*L. Receipt of Applications*

Applications must either be hand delivered or mailed to the address in

Part II, Section E, Application Process. The Administration for Native Americans will not accept applications submitted electronically nor via facsimile (FAX) equipment.

Deadline: Applications shall be considered as meeting the announced deadline if they are either:

1. Received on or before the deadline date at the place specified in the program announcement, or

2. Sent on or before the deadline date and received by the granting agency in the time for the independent review under DHHS GAM Chapter 1-62 (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private Metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria above are considered late applications. The ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: The ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

**Part II—General Application Information and Guidance***A. Definitions*

Funding areas in this program announcement are based on the following definitions:

- Indian land is defined as all lands used by American Indian tribes and Alaska Native Villages.

- A "multi-purpose community-based Native American organization" is an association and/or corporation whose charter specifies that the community designates the Board of Directors and/or officers of the organization through an elective procedure and that the organization functions in several different areas of concern to the members of the local Native American community. These areas are specified in the by-laws and/or policies adopted by the organization. They may include, but need not be limited to, economic, artistic, cultural, and recreational activities, and the delivery of human services such as health care, day care, counseling, education, and training.

- "Budget Period" is the interval of time (usually 12 months but may be up to 17 months) into which the project

period is divided for budgetary and funding purposes.

- "Core administration" is funding for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project. However, functions and activities that are clearly project related are eligible for grant funding. For example, the management and administrative functions necessary to carry out an ANA approved project are not considered "core administration" and are, therefore, eligible costs. Additionally, ANA will fund the salaries of approved staff for time actually and reasonably spent to implement a funded ANA project.

- "Real Property" means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

- "Construction" is the term which specifies a project supported through a discretionary grant or a cooperative agreement, to support the initial building of a facility.

*B. Activities That Cannot be Funded*

The Administration for Native Americans does not fund:

- Projects that operate indefinitely or require ANA funding on a recurring basis.

- Projects in which a grantee would provide training and/or technical assistance (T/TA) to other tribes or Native American organizations which are otherwise eligible to apply to ANA ("third party T/TA"). However, the purchase of T/TA by a grantee for its own use or for its members' use (as in the case of a consortium), where T/TA is necessary to carry out project objectives, is acceptable.

- The support of on-going social service delivery programs or the expansion, or continuation, of existing social service delivery programs.

- ANA will not fund the purchase of real property.

- ANA will not fund construction.

- Objectives or activities for the support of core administration of an organization.

- Costs of fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable under a grant award.

Projects or activities that generally will not meet the purposes of this announcement are discussed further in Part I, Section H, General Guidance to Applicants.

### C. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372.

### D. Application Process

#### (1) Application Submission by Mail:

Each application should include one signed original and two (2) copies of the grant application, including all attachments. Assurances and certifications must be completed. Submission of the application constitutes certification by the applicant that it is in compliance with Drug-Free Workplace and Debarment and these forms do not have to be submitted. The application must be hand delivered or mailed by the closing date to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management 370 L'Enfant Promenade, S.W., Mail Stop HHH 326-F, Washington, DC 20447-0002, Attention: Lois B. Hodge—ANA No. 93612-002.

#### (2) Application Submission by Courier:

Hand delivered applications are accepted during the normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at: Administration for Children and Families, ACYF/Office of Grants Management, ACF Mail Room, Second Floor Loading Dock, Aerospace Center 901 D Street, S.W., Washington, DC 20024, Attention: Lois B. Hodge, ANA No. 93612-002.

The application must be signed by an individual authorized: (1) To act for the applicant tribe, village or organization, and (2) to assume the applicant's obligations under the terms and conditions of the grant award.

#### (3) Application Consideration:

The Commissioner of the Administration for Native Americans determines the final action to be taken with respect to each grant application received under this announcement.

The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review. (Incomplete applications include a missing Form SF 424 or no signed Form 424 or does not include proof of non-profit status, if applicable.) Applicants will be notified in writing of any such determination by ANA.

- Complete applications that conform to all the requirements of this program announcement are subjected to a competitive review and evaluation

process. An independent review panel consisting of reviewers familiar with environmental problems of Indian tribes and Alaska Native villages will evaluate each application against the published criteria in this announcement. The results of this review will assist the Commissioner in making final funding decisions.

- The Commissioner's decision will also take into account the comments of ANA staff, state and Federal agencies having performance-related information, and other interested parties.

- As a matter of policy the Commissioner will make grant awards consistent with the stated purpose of the announcement and all relevant statutory and regulatory requirements under 45 CFR parts 74 and 92 applicable to grants under this announcement.

- After the Commissioner has made decisions on all applications, unsuccessful applicants will be notified in writing within approximately 120 days of the closing date. Successful applicants are notified through an official Financial Assistance Award (FAA) document. The Administration for Native Americans staff cannot respond to requests for funding decisions prior to the official notification to the applicants. The FAA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, the budget period, and the amount of the non-Federal matching share requirement.

(Catalog of Federal Domestic Assistance Program Number 93.612 Native American Programs)

Dated: January 4, 2000.

**Gary N. Kimble,**

*Commissioner, Administration for Native Americans.*

[FR Doc. 00-432 Filed 1-7-00; 8:45 am]

**BILLING CODE 4184-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 99D-5435]

#### Draft Guidance for Industry on Photosafety Testing; Availability

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Photosafety Testing." The draft guidance is intended to help

applicants decide whether they should test for photosensitivity and assess potential human risk for photochemical carcinogenesis (cancer) and enhancement of UV-induced skin carcinogenesis during the development of topically and systemically administered drug products. The draft guidance describes a consistent, science-based approach for considering testing. FDA is soliciting comments and seeking information from interested persons concerning photosafety testing.

**DATES:** Submit written comments on the draft guidance document by April 10, 2000. General comments on agency guidance documents are welcome at any time.

**ADDRESSES:** Copies of this draft guidance for industry are available on the Internet at <http://www.fda.gov/cder/guidance/index.htm>. Submit written requests for single copies of the draft guidance to the Drug Information Branch (HFD-210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Joseph J. DeGeorge, Center for Drug Evaluation and Research (HFD-024), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-5476.

**SUPPLEMENTARY INFORMATION:** FDA is announcing the availability of a draft guidance for industry entitled "Photosafety Testing." This draft guidance is intended to help applicants decide whether to test for photosensitivity and potential human risk for photochemical carcinogenesis and enhancement of UV-induced skin carcinogenesis by topically and systemically administered drug products.

In the absence of data from photosensitivity tests conducted in animals or humans, warnings about the potential for photosensitization generally have been added to labels after adverse reactions resulted during widespread clinical use of products. Identification of photosensitivity effects before widespread human exposure is preferable to learning via adverse event reports.

This draft guidance considers: (1) Photosensitivity and photocarcinogenicity, (2) testing of drug product or testing of drug