Revise draft sections for NIC’s approval (awardee)
Submit draft of entire document to NIC for review (awardee)
Revise document for NIC’s approval (awardee)
Submit document to editor hired by awardee for first content edit (awardee)
Submit document to NIC in hard copy and on disk in Microsoft Word format (awardee)
Throughout the project period, the awardee should make provisions for meetings with NIC staff—to be held in Longmont, Colorado—at critical planning and review points in document development.

Authority: Public Law 93–415.

Funds Available: The award will be limited to $60,000 (direct and indirect costs) and project activity must be completed within twelve months of the date of award. Funds may not be used for construction, or to acquire or build real property. This project will be a collaborative venture with the NIC Jails Division.

Application Procedures
Applications must be submitted in six copies to the Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. At least one copy of the application must have the applicant’s original signature in blue ink. A cover letter must identify the responsible audit agency for the applicant’s financial accounts. Applications must be submitted using OMB Standard Form 424, Federal Assistance and attachments. The applications should be concise, written, typed double-spaced, and referenced to the project by the number and title given in this cooperative agreement announcement.

The narrative portion of this grant application should include, at a minimum:
A brief paragraph that indicates the applicant’s understanding of the purpose of the document and the issues to be addressed;
A brief paragraph that summarizes the project goals and objectives;
A clear description of the methodology that will be used to complete the project and achieve its goals;
A statement or chart of measurable project milestones and time lines for the completion of each;
A description of the staffing plan for the project, including the role of each project staff and the time commitment for each, the relationship among the staff (who reports to whom), and an indication that all required staff will be available;
A description of the qualifications of the applicant organization and each project staff;
A budget that details all costs for the project, shows consideration for all contingencies for this project, and notes a commitment to work within the budget proposed (budget should be divided into object class categories as shown on application Standard Form 424A).

Documentation of the principals’ and associates’ relevant knowledge, skills, and abilities to carry out the described tasks must be included in the application.

Deadline for Receipt of Applications: Applications must be received by 4 p.m. Eastern Time on Tuesday, April 16, 2002. They should be addressed to Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. The NIC application number should be written on the outside of the mail or courier envelope. Applicants are encouraged to use Federal Express, UPS, or similar service to ensure delivery by the due date as mail at the National Institute of Corrections is still being delayed due to recent events. Hand delivered applications should be brought to 500 First Street, NW., Washington, DC 20534. The front desk will call (202) 307–3106 for pickup. Faxed or emailed applications will not be accepted.

Addresses and Further Information: A copy of this announcement and the application forms may be obtained through the NIC Web site: http://www.nicic.org (click on “Cooperative Agreements”). Requests for a hard copy of this announcement and the application forms should be directed to Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534 or by calling 800–995–6423, ext. 44222, 202–307–3106, ext. 44222, or e-mail: jevens@bop.gov. All technical and/or programmatic questions concerning this announcement should be directed to Alan Richardson at 1960 Industrial Circle, Longmont, CO 80501, or by calling 800–995–6429, ext. 143 or 303–682–0382, ext. 143, or by e-mail: alrichardon@bop.gov.

Eligibility of Applicants: An eligible applicant is any state or general unit of local government, public or private agency, educational institution, organization, team, or individual with the requisite skills to successfully meet the outcome objectives of the project.

Review Considerations: Applications received under this announcement will be subjected to a NIC three to five member Peer Review Process. Among the criteria used to evaluate the applications are:
Indication of a clear understanding of the project requirements;
Background, experience, and expertise of the proposed project staff, including any subcontractors;
Effectiveness of the creative approach to the project;
Clear, concise description of all elements and tasks of the project, with sufficient and realistic time frames necessary to complete the tasks;
Technical soundness of project design and methodology;
Financial and administrative integrity of the proposal, including adherence to federal financial guidelines and processes;
Sufficiency detailed budget that shows consideration of all contingencies for this project and commitment to work within the budget proposed; Indication of availability to meet with NIC staff at key points in document development.

Number of Awards: One (1).

Catalog of Federal Domestic Assistance Number: 16.601.

DEPARTMENT OF JUSTICE
National Institute of Corrections
Advisory Board Meeting

Time and Date: 8:30 a.m. to 5 p.m. on Monday, March 4, 2002 & 8:30 a.m. to 12 noon on Tuesday, March 5, 2002.
Place: Portland Marriott Downtown, 1401 S.W. Naito Parkway, Portland, Oregon 97201.
Status: Open.
Matters to be Considered: Presentations on an initiative addressing transition from prison to community, including the Oregon Model and the Multnomah County Data Warehouse Project; election of new officers; division reports on FY 2003 Service Plan and FY 2004 budget recommendations; and update on Interstate Compact activities.
agreement. In a May 7, 2001 letter, the agency may allow an employee to exhaust his appeal rights before the removal becomes effective. The appellant remains in a pay and duty status.

The Question Posed

This appeal raises the question of whether the Board has appellate jurisdiction to review an otherwise appealable action which has been subject to a final agency decision which, however, has been stayed pursuant to the terms of a collective bargaining agreement that allows the employee to exhaust administrative appeals, such as an appeal to the Board, before the adverse action becomes effective.

Issues To Be Considered In Resolving the Question Posed

Title 5 of the United States Code, section 7513(d) provides that “an employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Protection Board under section 7701 of this title.” (Emphasis supplied.) These statutes raise the question of whether an adverse action “is taken” when a final decision is made or when the action actually is effectuated (for example, the date when the employee no longer is employed by the agency), and whether a Board decision on a final, but not yet effectuated, adverse action constitutes a prohibited advisory opinion.

Also relevant to the question raised in this appeal is the decision of the United States Court of Appeals for the District of Columbia Circuit in National Treasury Employees Union v. Federal Labor Relations Authority, 712 F.2d 669 (D.C. Cir. 1983). While the Board is not bound by decisions of the District of Columbia Circuit Court, the Board can look to such decisions for guidance.

Finally, the Board advises interested parties about the practice of the U.S. Postal Service where, pursuant to a collective bargaining agreement, the agency places employees in a non-pay, non-duty status after a removal action, even though the individual remains on the agency’s rolls. The Board has considered this practice of placing employees in a non-pay, non-duty status, while still on the agency’s rolls, and has held that it may exercise jurisdiction over such adverse actions by the Postal Service. See Benjamin v. U.S. Postal Service, 29 M.S.P.R. 555, 556–57 (1986); see also Anderson v. U.S. Postal Service, 67 M.S.P.R. 455, 457 (1995). Whether there is a distinction between allowing an employee to exhaust administrative appeals before the adverse action actually is effectuated and the practice of the U.S. Postal Service is one of the issues the Board will consider in addressing the question posed above.

DATE: All briefs in response to this notice shall be filed with the Clerk of the Board on or before March 22, 2002.

ADDRESSES: All briefs shall include the case name and docket number noted above (Thomson v. Department of Transportation, MSPB Docket No. AT–0752–01–0566–I–1) and be entitled “Amicus Brief.” Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1615 M St., NW., Washington, DC 20419. Because of possible mail delays caused by the closure of the Brentwood Mail facility, respondents are encouraged to file by facsimile transmittal at (202) 653–7130.

FOR FURTHER INFORMATION CONTACT: Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, at (202) 653–7200.


Robert E. Taylor,
Clerk of the Board.

AGENCY: National Institute for Literacy (NIFL).

SUMMARY: This notice sets forth the schedule and proposed agenda of a