

2. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR part 74 (non-governmental) or 45 CFR part 92 (governmental); 45 CFR part 1336, subpart C; and, 42 U.S.C. 2991 *et seq.*—Native American Programs Act of 1974.

Direct Federal grants, subaward funds, or contracts under this Program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this Program. Regulations pertaining to the Equal Treatment For Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at either 45 CFR 87.1 or the HHS Web site at: <http://www.os.dhhs.gov/fbci/waisgate21.pdf>.

3. Reporting Requirements

Program Progress Reports: Quarterly.
Financial Reports: Quarterly.

An original and one copy of each performance report and financial status report must be submitted to the Grants Officer. Failure to submit these reports when required will mean the grantee is non-compliant with the terms and conditions of the grant award and subject to administrative action or termination. Program Progress reports are submitted 30 days after each quarter (3-month intervals) of the budget period. The final Program Progress report, due 90 days after the project period end date, shall cover grantee performance during the entire project period. All grantees shall use the SF 269 (Long Form) to report the status of funds. Financial Status Reports are submitted 30 days after each quarter (3-month intervals) of the budget period. The final SF 269 report shall be due 90 days after the end of the project period. In addition, these demonstration projects will participate in monthly regional conference calls to discuss the implementation of the NAHMI project.

VII. Agency Contacts

Program Office Contact: ANA Applicant Help Desk, Aerospace Center, 8th Floor West, 370 L'Enfant Promenade SW., Washington, DC 20447, Phone: 877-922-9262; Email: ana@acf.hhs.gov.

Grants Management Office Contact: Tim Chappelle, Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants Aerospace Center—8th Floor West, 370 L'Enfant Promenade SW.,

Washington, DC 20447, Phone: 202-401-2344; Email: tichappelle@acf.hhs.gov.

VIII. Other Information

Notice: Beginning with FY 2006, the Administration for Children and Families (ACF) will no longer publish grant announcements in the **Federal Register**. Beginning October 1, 2005 applicants will be able to find a synopsis of all ACF grant opportunities and apply electronically for opportunities via: <http://www.Grants.gov>. Applicants will also be able to find the complete text of all ACF grant announcements on the ACF Web site located at: <http://www.acf.hhs.gov/grants/index.html>.

Training and Technical Assistance: All potential ANA applicants are eligible to receive free T&TA in this program area. Prospective applicants must check ANA's Web site for training and technical assistance dates and locations, or contact the ANA Help Desk at 1-877-922-9262.

Please reference Section IV.3 for details about acknowledgement of received applications.

Dated: May 24, 2005.

Kimberly Romine,

Deputy Commissioner, Administration for Native Americans.

[FR Doc. 05-10661 Filed 5-26-05; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA No.: 93.566, Refugee Assistance—State Administered Programs]

Office of Refugee Resettlement; Proposed Notice of Allocations to States of FY 2005 Funds for Refugee Social Services

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Proposed notice of allocations to States of FY 2005 funds for refugee social services.

SUMMARY: This notice establishes the proposed allocations to States of FY 2005 funds for refugee¹ social services

¹ Eligibility for refugee social services include refugees, asylees, Cuban and Haitian entrants, certain Amerasians from Viet Nam who are admitted to the U.S. as immigrants, certain Amerasians from Viet Nam who are U.S. citizens, and victims of a severe form of trafficking who receive certification or eligibility letters from ORR, and certain other specified family members. See 45 CFR 400.43 and ORR State Letter #01-13 on the Trafficking Victims Protection Act, dated May 3, 2001, as modified by ORR State Letter #02-01, January 4, 2002, and ORR State Letter #04-12, June 18, 2004.

under the Refugee Resettlement Program (RRP). The final notice will reflect amounts adjusted based upon final adjustments to FY 2002, FY 2003 and FY 2004 (October 1, 2001 through September 30, 2004) data submitted to ORR by States.

FOR FURTHER INFORMATION CONTACT:

Kathy Do, Division of Budget, Policy, and Data Analysis (BPDA), telephone: (202) 401-4579, e-mail: kdo@acf.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Amounts for Allocation

The Office of Refugee Resettlement (ORR) has available (after rescission and adjustments) \$164,888,000 in Fiscal Year 2005 refugee social service funds as part of the FY 2005 appropriation under the Consolidated Appropriations Act, 2005, (Pub. L. 108-447). This amount reflects a rescission of 0.008 applied across the board to all line items.

The FY 2005 Conference Report (H. Rpt. No. 108-792) reads as follows with respect to Refugee and Entrant Assistance:

“The conference agreement includes \$488,336,000 for the refugee and entrant assistance programs rather than \$491,336,000 as proposed by the House and \$477,239,000 as proposed by the Senate * * *

The conference agreement provides \$166,218,000 for social services, the same level as proposed in the House bill. The Senate had proposed \$155,121,000 for this program. Within the funds provided, the conference agreement includes \$19,000,000 as outlined in the House report. The conferees intend that funds provided above the request for social services shall be used for refugee school impact grants and for additional assistance in resettling and meeting the needs of the Hmong and Somali Bantu refugees expected to arrive during 2004 and 2005.

The conferees also urge the Office of Refugee Resettlement to continue supporting discretionary grant activities, such as the individual development accounts, community service employment, and elderly refugee programs to the extent they have been successful in integrating refugees into society and promoting their self sufficiency.”

The House Committee Report, H. Rpt. No. 108-636 states under Social Services:

“The Committee provides \$166,218,000 for social services. This is \$15,097,000 more than the budget request and \$14,000,000 more than the fiscal year 2004 level. Funds are distributed by formula as well as through the discretionary grant making process for special projects. The Committee intends that

The term “refugee,” used in this notice for convenience, is intended to encompass such additional persons who are eligible to participate in refugee program services.

funds provided above the request shall be used for Refugee School Impact Grants and for additional assistance in resettling and meeting the needs of the Hmong refugees expected to arrive during 2004 and 2005.

Within the funds provided, the Committee has included \$19,000,000 for increased support to communities with large concentrations of Cuban and Haitian refugees of varying ages whose cultural differences make assimilation especially difficult, justifying a more intense level and longer duration of Federal assistance for healthcare and education."

ORR intends to use the \$164,888,000 appropriated (after rescission) for FY 2005 social services as follows:

- \$77M will be allocated under the 3-year population (FYs 2002, 2003, and 2004) formula, as set forth in this notice for the purpose of providing employment services and other needed services to refugees.

- \$2M will be allocated under the 3-year population formula, as a set-aside for citizenship and naturalization preparation services for the elderly.

- Approximately \$17M is expected to be awarded as new social service discretionary grants under new and prior year standing competitive grant announcements issued separately from this proposed notice.

- Approximately \$19M is expected to be awarded to serve communities most heavily affected by recent Cuban and Haitian entrant and refugee arrivals. These funds will be awarded under a prior year separate announcement.

- Approximately \$24M is expected to be awarded through discretionary grants for continuation of awards made in prior years.

- Approximately \$15M in FY 2005 social services funding will be awarded under a separate announcement for educational support to schools with a significant proportion of refugee children, consistent with previous support to schools heavily impacted by large concentrations of refugees.

- Approximately \$9.6M is reserved for future distribution.

Refugee Social Service Funds

The FY 2005 population figures that have been used for this proposed formula social services allocation include refugees, Amerasians from Viet Nam, Cuban/Haitian entrants, Havana parolees, asylees, and victims of severe forms of trafficking for FYs 2002, 2003, and 2004. These population figures were adjusted in the proposed allocation to reflect more accurate information on arrivals, secondary migration (including that of victims of severe forms of trafficking), asylees, and entrant data submitted by States. (See

Section IV. Basis of Population Estimates.)

The Director proposes to allocate \$77,136,460 to States on the basis of each State's proportion of the national population of refugees who have been in the U.S. three years or less as of October 1, 2004 (including a floor amount for States that have small refugee populations). Of the amount proposed to be awarded, approximately \$6.4 million is expected to be awarded to Wilson/Fish Alternative Projects providing social services. As previously stated, \$2,000,000 will be allocated as a set-aside for citizenship and naturalization preparation services for the elderly.

The use of the 3-year population base in the allocation formula is required by section 412(c)(1)(B) of the Immigration and Nationality Act (INA) which states that "funds available for a fiscal year for grants and contracts [for social services] * * * shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year."

As established in the FY 1992 social services notice published in the **Federal Register** on August 29, 1991, section I, "Allocation Amounts" (56 FR 42745), a variable floor amount for States which have small refugee populations is calculated as follows: If the application of the regular allocation formula yields less than \$100,000, then—

(1) A base amount of \$75,000 is provided for a State with a population of 50 or fewer refugees who have been in the U.S. 3 years or less; and

(2) For a State with more than 50 refugees who have been in the U.S. 3 years or less: (a) A floor has been calculated consisting of \$50,000 plus the regular per capita allocation for refugees above 50 up to a total of \$100,000 (in other words, the maximum under the floor formula is \$100,000); (b) if this calculation has yielded less than \$75,000, a base amount of \$75,000 is provided for the State.

Population To Be Served and Allowable Services

Eligibility for refugee social services includes persons who meet all requirements of 45 CFR 400.43 (see Footnote 1 on page 1 for service populations). In addition, persons granted asylum are eligible for refugee benefits and services from the date that asylum was granted (See ORR State

Letter No. 00-12, effective June 15, 2000, as clarified by ORR State Letter No. 00-15, August 3, 2000). Victims of a severe form of trafficking who have received a certification or eligibility letter from ORR and certain other specified family members are eligible from the date on the certification letter (see ORR State Letter No. 01-13, May 3, 2001, as modified by ORR State Letter No. 02-01, January 4, 2002, and ORR State Letter, No.04-12, June 18, 2004).

Services to refugees must be provided in accordance with the rules of 45 CFR part 400 Subpart I—Refugee Social Services. Although the allocation formula is based on the 3-year refugee population (FYs 2002, 2003, and 2004), States may provide services to refugees who have been in the country up to 60 months (5 years), with the exception of referral and interpreter services and citizenship and naturalization preparation services for which there is no time limitation (45 CFR 400.152(b)).

Under waiver authority at 45 CFR 400.300, the Director of ORR may issue a waiver of the limitation on eligibility for social services contained in 45 CFR 400.152(b). There is no blanket waiver of this provision in effect for FY 2004. States may apply for a waiver of 45 CFR 400.152(b) in writing to the Director of ORR. Each waiver request will be reviewed based on supporting data and information provided. The Director of ORR will approve or disapprove each waiver request as expeditiously as possible.

A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program or indicate in its refugee program State plan that Cuban/Haitian entrants will be served in order to use funds on behalf of entrants as well as refugees.

Allowable social services are those indicated in 45 CFR 400.154 and 400.155. Additional services not included in these sections that the State may wish to provide must be submitted to and approved by the Director of ORR as required under 45 CFR 400.155(h).

Service Priorities

In accordance with 45 CFR 400.147, States are required to provide social services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) All newly arriving refugees during their first year in the U.S. who apply for services; (b) refugees who are receiving cash assistance; (c) unemployed refugees who are not receiving cash assistance; and (d) employed refugees in need of services to retain employment or to attain economic independence. In order for refugees to leave Temporary

Assistance for Needy Families (TANF) quickly, States should, to the extent possible, ensure that all newly arriving refugees receive refugee-specific services designed to address the employment barriers that refugees typically face.

ORR encourages States to re-examine the range of services they currently offer to refugees. Those States that have had success in helping refugees achieve early employment may find it to be a good time to expand beyond the provision of basic employment services and address the broader needs that refugees have in order to enhance their ability to maintain financial security and to successfully integrate into the community. Other States may need to reassess the delivery of employment services in light of local economic conditions and develop new strategies to better serve the newly arriving refugee groups.

States should also be aware that ORR will make social services formula funds available to pay for social services that are provided to refugees who participate in Wilson/Fish projects which can be administered by public or private non-profit agencies, including refugee, faith-based and community organizations. Section 412(e)(7)(A) of the INA provides that:

The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate standing notice with respect to applications for such projects. The notice can be found in the **Federal Register** [Volume 69, FR 65, pages 17692-17700, (April 5, 2004)].

States are encouraged to consider eligible sub-recipients for formula social service funds, including public or private non-profit agencies such as, refugee, faith-based, and community organizations.

II. Comments and Response

Note: This section is reserved for discussion of comments and response in the Final Notice.

III. Allocation Formulas

Of the funds available for FY 2005 for social services, \$77,136,460 is proposed

to be allocated to States in accordance with the formula specified in A. below.

A. A State's allowable formula allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by
 2. The total number of refugees, Cuban/Haitian entrants, parolees, and Amerasians from Viet Nam, as shown by the ORR Refugee Arrivals Data System (RADS) for FYs 2002, 2003, and 2004, and victims of severe forms of trafficking as shown by the certification and eligibility letters issued by ORR, who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated. This total also includes the total number of asylees who have been served by a State through its refugee resettlement or social services system in FYs 2002, 2003, and 2004. The resulting per capita amount is multiplied by—

3. The number of persons in item 2, above, in the State as of October 1, 2004, adjusted for estimated secondary migration.

The calculation above yields the formula allocation for each State. Minimum allocations for small States are taken into account.

IV. Basis of Population Estimates

The population estimates for the proposed allocation of funds in Fiscal Year 2005 for the formula social service allocation are based on data on refugee arrivals for FYs 2002, 2003, and 2004 from the ORR Refugee Arrivals Data System (RADS), adjusted as of September 30, 2004, for estimated secondary migration. The data base includes refugees of all nationalities, Amerasians from Viet Nam, Cuban and Haitian entrants, Havana parolees, asylees, and trafficking victims. Data on the number of asylees who have been served in FYs 2002, 2003, and 2004 through the refugee resettlement program or social service system are provided by States. Data on trafficking victims are taken from the total number of trafficking victims' certification and eligibility letters issued by ORR.

Consistent with States' requests, in Fiscal Year 2005, ORR implemented a new voluntary process for data submission by States prior to issuance of the proposed allocations in an effort to minimize adjustments of final allocations. Prior to the publication of the proposed notice, the request for voluntary data submission was sent to States via e-mail on December 20, 2004 with a due date of February 8, 2005. States were requested to follow the standardized EXCEL format suggested

by ORR to submit the data on asylees, entrants, and/or family members of victims of a severe form of trafficking served during FY 2004. Data for each population group was to be submitted separately on an EXCEL spreadsheet. The spreadsheet(s) was due at ORR on February 8, 2005, as an attachment to an e-mail to: *lbussert@acf.hhs.gov*. States that did not respond to the December 20, 2004 request are hereby notified that ORR will accept data from States in response to this proposed social services notice. Data to be submitted by States will be verified by ORR against the ORR arrival database (RADS), and adjustments may be included, as a result of this process, in the final notice of social service allocation for FY 2005. Deadline for submission of data or comments to ORR is 30 days from publication of this proposed notice. This is the final opportunity for States to submit data to ORR on the number of asylees, entrants or family members of trafficking victims served during FY 2004. The EXCEL format for data submission is available from Kathy Do by e-mail at *Kdo@acf.hhs.gov*.

As previously stated, ORR proposed formula social service allocations for the States for FY 2005 are based on the numbers of refugee arrivals, Amerasians, entrants, Havana parolees, asylees, and victims of a severe form of trafficking. Refugee numbers are based upon the arrivals during the preceding FYs 2002, 2003, and 2004 adjusted as of September 30, 2004, for estimated secondary migration. The proposed allocations also reflect adjustments for family members of victims of severe forms of trafficking served in FY 2004, and asylees who have been served by the States in FYs 2002, 2003, and 2004 through the refugee resettlement program or social service system. Data on Havana parolees who entered the U.S. through a controlled process at the Port of Miami are also included in the proposed allocations. Data on entrants includes information on those who arrived in the U.S. through Miami, data on entrants submitted by States on entrants who arrived in the U.S. through a land border or port of entry other than Miami, and information on those who have migrated from southern Florida and are receiving services in another State.

The data on secondary migration are based on data submitted by all participating States on Form ORR-11 on refugee secondary migrants who have resided in the U.S. for 36 months or less, as of September 30, 2004. The total migration reported by each State was due to ORR on January 5, 2005. Asylees and victims of trafficking data are not

captured on the Form ORR-11, therefore, State's data on asylees, victims of trafficking and their family members accessing benefits and services are used to ensure current information for allocations purposes. The total migration data from Form ORR-11 is summed, yielding in- and out-migration figures and a net migration figure for each State. The net migration figure is applied to the State's total arrival figure, resulting in a revised ORR population estimate. ORR calculations are developed separately for refugees and entrants and then combined into a total proposed 3-year refugee/entrant population for each State. Eligible Amerasians are included in the refugee figures. Havana parolees (HP's) are

enumerated in a separate column in Table 1, below, because they are tabulated separately from other entrants. Havana parolee arrivals for all States are based on actual data.

Table 1 (attached) shows the estimated 3-year populations, as of October 1, 2004, of refugees (col. 1), entrants (col. 2), asylees (col. 3), Havana parolees (col.4), victims of trafficking (col. 5), total population, (col. 6), the proposed formula amounts which the population yields (col. 7), proposed allocation (col. 8), elderly set-aside (col. 9), and total proposed allocations (col. 10).

V. Proposed Allocation Amounts

Funding subsequent to the publication of this proposed notice will

be contingent upon the submission and approval of a State annual services plan that is developed on the basis of a local consultative process, as required by 45 CFR 400.11(b)(2) in the ORR regulations.

Table 1, attached, represents the FY 2005 proposed social service formula allocations.

VI. Paperwork Reduction Act

This notice does not create any reporting or record keeping requirements requiring OMB clearance.

Dated: May 19, 2005.

Nguyen Van Hanh,

Director, Office of Refugee Resettlement.

TABLE 1.—ESTIMATED THREE-YEAR REFUGEE/ENTRANT/ASYLEE/PAROLEE/TRAFFICKING VICTIM POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE RESETTLEMENT PROGRAM AND PROPOSED SOCIAL SERVICE FORMULA ALLOCATIONS FOR FY 2005 (ADJUSTED FOR SECONDARY MIGRATION BASED ON THE ORR-11)
[Proposed FY 2005 Social Services Formula Notice]

State	Refugees ¹	Entrants	Asylees ²	Havana parolees ³	Trafficking victims	Total population	Proposed formula amount	Proposed allocation	Elderly Set-aside	Total proposed allocation
Alabama ⁴	120	0	0	23	.....	143	61,999	90,321	2,342	92,663
Alaska ⁴	102	0	31	0	.....	133	57,663	85,985	2,229	88,214
Arizona	3,564	510	258	14	7	4,353	1,887,272	1,887,272	48,933	1,936,205
Arkansas	9	1	5	1	.....	16	6,937	75,000	1,945	76,945
California ⁴	14,773	26	3,406	79	64	18,348	7,954,897	7,954,895	206,254	8,161,149
Colorado ⁴	1,677	1	199	9	.....	1,866	817,688	817,688	21,201	838,889
Connecticut	959	12	103	30	.....	1,104	478,646	478,646	12,410	491,056
Delaware	87	5	0	0	.....	92	39,887	75,000	1,945	76,945
Dist. of Columbia	0	0	579	1	3	583	252,763	252,763	6,554	259,317
Florida	6,911	11,272	7,806	30,591	27	56,607	24,542,335	24,542,335	636,336	25,178,671
Georgia	4,312	15	331	119	5	4,782	2,073,267	2,073,267	53,756	2,127,023
Hawaii	12	0	0	0	8	20	8,671	75,000	1,945	76,945
Idaho ⁴	819	2	0	1	3	825	357,684	357,684	9,274	366,958
Illinois	3,019	14	0	63	13	3,109	1,347,927	1,347,927	34,949	1,382,876
Indiana	773	1	0	12	.....	786	340,775	340,775	8,836	349,611
Iowa	1,122	0	6	0	.....	1,128	489,052	489,052	12,680	501,732
Kansas	263	0	0	11	.....	274	118,794	118,794	3,080	121,874
Kentucky ⁴	1,243	1,284	36	31	1	2,595	1,125,079	1,125,079	29,171	1,154,250
Louisiana	339	99	9	48	.....	495	214,610	214,610	5,564	220,174
Maine	862	0	0	1	.....	863	374,159	374,159	9,701	383,860
Maryland	2,009	6	1,567	14	6	3,602	1,561,671	1,561,671	40,491	1,602,162
Massachusetts ⁴	2,832	91	514	18	4	3,459	1,499,672	1,499,672	38,884	1,538,556
Michigan	1,835	607	0	52	5	2,499	1,083,458	1,083,458	28,092	1,111,550
Minnesota	9,543	1	164	1	3	9,712	4,210,701	4,210,701	109,175	4,319,876
Mississippi	24	5	0	8	.....	37	16,042	75,000	1,945	76,945
Missouri	2,238	20	119	10	3	2,390	1,036,200	1,036,200	26,867	1,063,067
Montana	38	0	0	0	.....	38	16,475	75,000	1,945	76,945
Nebraska	815	1	0	2	.....	818	354,649	354,649	9,195	363,844
Nevada ⁴	676	716	0	69	4	1,465	635,160	635,160	16,468	651,628
New Hampshire	960	0	1	1	2	964	417,949	417,949	10,837	428,786
New Jersey	576	164	0	375	7	1,122	486,450	486,450	12,613	499,063
New Mexico	141	282	0	3	.....	426	184,695	184,695	4,789	189,484
New York	6,466	1,262	0	115	106	7,949	3,446,341	3,446,341	89,357	3,535,598
North Carolina	3,073	9	418	65	1	3,566	1,546,063	1,546,063	40,086	1,586,149
North Dakota ⁴	457	0	6	0	.....	463	200,737	200,737	5,205	205,942
Ohio	4,801	1	180	6	2	4,990	2,163,447	2,163,447	56,094	2,219,541
Oklahoma	169	0	36	1	52	258	111,858	11,858	2,900	114,758
Oregon	2,715	420	66	3	1	3,205	1,389,549	1,389,549	36,028	1,425,577
Pennsylvania	3,686	540	494	33	5	4,758	2,062,862	2,062,862	53,486	2,116,348
Rhode Island	477	5	55	0	.....	537	232,820	232,820	6,037	238,857
South Carolina	292	0	.....	16	.....	308	133,535	133,535	3,462	136,997
South Dakota ⁴	814	0	0	4	.....	818	354,649	354,649	9,195	363,844
Tennessee	1,442	5	0	60	.....	1,507	653,370	653,370	16,941	670,311
Texas	5,365	1,337	431	99	61	7,293	3,161,928	3,161,928	81,983	3,243,911
Utah	1,327	3	90	1	.....	1,421	616,084	616,084	15,974	632,058
Vermont	397	0	10	0	.....	407	176,458	176,458	4,575	181,033
Virginia	2,451	429	332	37	12	3,261	1,413,828	1,413,828	36,658	1,450,486
Washington	9,348	0	0	7	7	9,362	4,058,956	4,058,956	105,241	4,164,197
West Virginia	7	0	0	0	.....	7	3,035	75,00	1,945	76,945
Wisconsin	2,146	1	23	3	.....	2,173	942,118	942,118	24,427	966,545
Total	108,086	19,147	17,275	32,037	412	176,957	76,720,865	77,136,460	2,000,000	79,136,460

¹ Includes Amerasian immigrants. Adjusted for secondary migration.

² Asylee counts are submitted by States and verified by matching against data from the Department of Justice/Executive Office of Immigration Review, and the U.S. Citizenship and Immigration Service.

³ For all years, Havana Parolee arrivals for all States are based on actual data.

⁴ The allocations for the States of Alabama, Alaska, Colorado, Idaho, Kentucky, Massachusetts, Nevada, North Dakota, and South Dakota, and for the county of San Diego, California are expected to be awarded to Wilson/Fish projects.

⁵ Wyoming no longer participates in the Refugee Resettlement Program.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Public Comment on the Proposed Adoption of ANA Program; Policies and Procedures

AGENCY: Administration for Native Americans (ANA).

SUMMARY: Pursuant to section 814 of the Native American Programs Act of 1974; as amended, 42 U.S.C., 2991b-1, the Administration for Native Americans (ANA) herein describes its proposed interpretive rules, general statement of policy and rules of agency procedure or practice in relation to the Social and Economic Development Strategies (SEDS) project SMART NA Communities (Strengthening Marriages and Relationships in Tribal and Native American Communities). For FY 2005, ANA reserved an amount of funding under the SEDS program to fund projects that are beneficial to the development of healthy Native American communities. ANA has decided to participate in ACF's Healthy Marriage Initiative, and intends to use the reserved SEDS funds to support projects that improve child well-being by removing barriers associated with forming and retaining healthy families and marriages in Native American communities. Under the statute, ANA is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules, statements of general policy, and rule of agency procedure or practice and to give notice of the final adoption of such changes at least 30 days before the changes become effective. The notice also provides additional information about ANA's plan for administering the programs.

DATES: The deadline for receipt of comments is 30 days from date of publication in the **Federal Register**.

ADDRESSES: Comments in response to this notice should be addressed to Sheila Cooper, Director of Programs Operations, Administration for Native Americans, 370 L'Enfant Promenade, SW., Mail Stop: Aerospace 8—West, Washington, DC 20447. Delays may occur in mail delivery to Federal offices; therefore, a copy of comments should be faxed to: (202) 690-7441. Comments will be available for inspection by

members of the public at the Administration for Native Americans, Aerospace Center, 901 D Street, SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Sheila Cooper, toll free at (877) 922-9262.

SUPPLEMENTARY INFORMATION: Section 814 of the Native American Programs Act of 1974 (the Act), as amended, requires ANA to provide notice of its proposed interpretive rules, statements of policy and rule of agency organization, procedure or practice. These proposed clarifications, modifications and new text will appear in the ANA FY 2005 program announcements: SEDS—SMART NA Communities.

Additional Information

1. General

This SEDS SMART NA Communities program area incorporates a majority of the requirements as contained in the SEDS program announcement. There are a few instances where ANA has opted to change the request for information for this program area only. The differences are noted below.

2. Evaluation Criteria

The Impact Indicators, as established in the FY 2005 SEDS program announcement under ANA Evaluation Criteria Five, will be used for this demonstration project except for the following: (2) Number of codes or ordinances developed and implemented; (3) number of people to successfully complete a workshop/training; (8) number of community-based small businesses established or expanded; (9) identification of Tribal or Village government business, industry, energy or financial codes or ordinances that were adopted or enacted; and (10) number of micro-businesses started. ANA does not believe that the capture of this data will affect the impact or demonstrate the success of the grants. The number of suggested ANA Impact Indicators has been reduced to five indicators. (Legal authority: Section 803(a) and (d), 803B and 803C of the Native Americans Programs Act of 1974, as amended, 42 U.S.C. 2991b, 2991b-2 and 2991b-3).

3. ANA Funding Restrictions

ANA will use the Funding Restrictions established under the FY 2005 SEDS program announcement, except for the following: Core Administration has been modified to

remove the last sentence "Under Alaska SEDS projects, ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place." and "Projects that do not further the three interrelated ANA goals of economic development, social development and governance or meet the purpose of this program announcement." This demonstration project is not associated with the Alaska SEDS program area nor is it intended to interrelate to the goals of economic development, social development or governance. (Legal authority: Sections 803(a) and (d) and 803C of the Native Americans Programs Act of 1974 as amended, 42 U.S.C. 2991b and 2991b-3 and 45 CFR 1336.33)

4. Administrative Policies

ANA will be using the administrative policies as included in the FY 2005 SEDS program announcement except: "An applicant can have only one active ANA SEDS grant operating at any given time" and "Applicants proposing an Economic Development project must address the project's viability. A business plan, if applicable, must be included to describe the project's feasibility, cash flow and approach for the implementation and marketing of the business." Neither of these policies apply to this program. Special initiative awards such as this program will be issued a SEDS grant number and therefore an entity will be able to administer a regular SEDS award in addition to this project. Business development and the promotion of economic development are not components of this demonstration. (Legal authority: Sections 803(a) and (d) and 803C of the Native American Programs Act of 1974, as amended, and 45 U.S.C. 2991b and 2991b-3).

5. Funding Thresholds

The funding threshold for this demonstration project will be \$50,000.00 (floor amount) to \$150,000.00 (ceiling amount) per budget period. Applications exceeding the \$150,000.00 threshold will be considered non-responsive and will not be considered for funding under this announcement. (Legal authority: Sections 803(a) and (d) and 803C of the Native American Programs Act of 1974, as amended, 42 U.S.C. 2991b and 2991b-3.)