

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. 93612-993]

#### Availability of Financial Assistance for the Mitigation of Environmental Impacts to Indian Lands Due to Department of Defense (DOD) Activities

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

**ACTION:** Announcement of availability of competitive financial assistance to assist eligible applicants address environmental problems and impacts from DOD activities to Indian lands.

**SUMMARY:** 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.

**DATES:** The closing dates for submission of applications are March 12, 1999, November 5, 1999 and November 4, 2000.

**ADDRESSES:** *Application Kit:*

Application kits, approved by the OMB under control number 0980-0204,

which expires August 31, 1999, containing the necessary forms and instructions to apply for a grant under this program announcement, may be obtained:

By Mail: Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, SW, Mail Stop HHH 348-F, Washington, DC 20447-0002, Attention: Aaron Sadler/ Application Kit.

By Telephone: Call Janean Chambers, Telephone: (202) 690-6547.

By Telefax: Fax: (202) 690-7441.

By World-Wide-Web: Copies of this program announcement and many of the required forms may be obtained electronically at the ANA World Wide Web Page: <http://www.acf.dhhs.gov/programs/ana/index.html>

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 this 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.

#### SUPPLEMENTARY INFORMATION:

##### Part I—Additional Information

###### A. Introduction and Purpose

The program announcement states the availability of any unobligated fiscal year 1995 financial assistance to eligible applicants using funds provided by the DOD through the ANA for the purpose of mitigating environmental impacts on Indian lands related to DOD activities.

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 and will geographically range from border to border and from coast to coast. The nature and magnitude of the problems will most likely be better defined when affected Indian tribes and Alaska Natives have completed environmental assessments called for in Phase I of this four-phase program.

The Federal government has also recognized that Indian tribes, Alaska Natives and their tribal organizations must have the opportunity to develop

their own plans and technical capabilities and access the necessary financial and technical resources in order to assess, plan, develop and implement programs to mitigate any impacts caused by DOD activities.

The ANA and the DOD recognize the potential environmental problems created by DOD activities that may affect air, water, soil and human and natural resources (i.e., forests, fish, plants). It is also recognized that potential applicants may have specialized knowledge and capabilities to address specific concerns at various levels within the four phase program.

Under this announcement proposals will be accepted for any and all of the four phases or one specific phase. These phases are:

- Phase I—assessment of Indian lands to develop as complete an inventory as possible of environmental impacts caused by DOD activities;
- Phase II—identification and exploration of alternative means for mitigation of these impacts and determination of the technical merit, feasibility and expected costs and benefits of each approach in order to select one approach;
- Phase III—development of a detailed mitigation plan, and costing and scheduling for implementation of the design, including strategies for meeting statutory or regulatory requirements and for dealing with other appropriate Federal agencies; and,
- Phase IV—implementation of the mitigation plan.

The availability of funds is contingent upon sufficient final appropriations. Proposed projects will be reviewed on a competitive basis against the specific evaluation criteria presented under each competitive area in this announcement.

ANA continues its policy that an applicant may only submit one application and no applicant may receive more than one grant including any existing ANA grant.

ANA introduces two new requirements within the review criteria for budget proposals in applications. All applicants must clearly demonstrate a plan for an employee fringe benefit package which includes an employee retirement plan benefit, and the funding of travel for key personnel to attend post-award grant management and administration training sponsored by ANA.

###### B. Proposed Projects To Be Funded

The purpose of this announcement is to invite single year (twelve to seventeen months) or multi-year (eighteen to thirty-six months) proposals

from eligible applicants to undertake any or all of the Phases.

Applicants may apply for projects of up to 36 months duration. A multi-year project, requiring more than 12 months to develop and complete, affords applicants the opportunity to develop more complex and in-depth projects. Funding after the first 12 month budget period of an approved multi-year project is non-competitive and subject to availability of funds.

The following are some known areas of concern. It is expected that applicants may identify additional areas of concern in their applications:

- Damage to treaty protected spawning habitats caused by artillery practice or other defense activities;
- Damage to Indian lands and improvements (e.g. wells, fences) and facilities caused by bombing practice;
- Damage caused to range and forest lands by gunnery range activities;
- Low-level flights over sacred sites and religious ceremonies which disrupt spiritual activities;
- Movement of soil covering the remains of buried Indian people and artifacts requiring, by tradition, their reburial in traditional rituals;
- Operation of dams by the Army Corps of Engineers which has had adverse impacts on spawning beds and treaty fishing rights and water quality due to problems of siltation; reduced stream flows; increased water temperatures; and, dredge and fill problems;
- Leaking of underground storage tanks on lands taken from Indians for temporary war-time use by the DOD;
- Unexploded ordnance from gunnery and bombing practice on Indian lands resulting in significant damage to rangelands, wildlife habitat, stock water wells, etc.;
- Disposal activities related to removal of unexploded ordnance, nuclear waste materials, toxic materials, and biological warfare materials from Indian lands;
- Transportation of live ordnance, nuclear waste, chemical and biological warfare materials from and across Indian lands;
- Seepage of fluids suspected of containing toxic materials onto Indian lands;
- Chlorofluorocarbons (CFC's) resulting from abandoned containers and/or dumping onto Indian lands;
- Polychlorinated biphenyls (PCB's) from transformers which have been abandoned and/or dumped onto Indian lands;
- Public health concerns regarding electromagnetic fields surrounding Defense-related transmission facilities which cross Indian lands; and

- Reclamation activities required to mitigate any or all of the above stated conditions and other activities as they become known.

#### Phase I

The purpose of Phase I is to conduct the research and planning needed to identify environmental impacts to Indian lands caused by DOD activities on or near Indian lands and to plan for remedial investigations to determine and carry out a preliminary assessment of these problems. These activities may include, but not be limited to, the following:

- Conduct site inspections to identify problems and causes related to DOD activities;
  - Identify and develop approaches to handle raw data that will assist in performing comprehensive environmental assessments of problems and causes related to DOD activities;
  - Identify approaches and develop methodologies which will be used to develop the activities to be undertaken in Phases II and III;
  - Identify other Federal agency programs, if any, that must be involved in mitigation activities and their requirements;
  - Identify potential technical assistance and expertise required to address the activities to be undertaken in Phases II and III; and
  - Identify other Federal environmental restoration programs that could be accessed to cooperatively coordinate and mobilize resources in addressing short and long-term activities developed under Phase III.
- Phase I should result in adequately detailed documentation of the problems and sources of help in solving them to provide a useful basis for examining alternative mitigation approaches in Phase II.

#### Phase II

The purpose of Phase II activities is to examine alternative approaches for mitigation of the impacts identified in Phase I and to lead toward the mitigation design to be developed in Phase III. Phase II activities may include, but need not be limited to the following:

- Conduct remedial investigation and/or feasibility studies as necessary;
- Plan for the design of a comprehensive mitigation strategy to address problems identified during Phase I which address areas such as land use restoration, clean-up processes, contracting and liability concerns; regulatory responsibilities; and resources necessary to implement clean up actions;

- Design strategies that coordinate with or are complementary to existing DOD cleanup programs such as the Defense Environmental Restoration Program which promotes and coordinates efforts for the evaluation and cleanup of contamination at DOD installations;

- Review possible interim remedial strategies that address immediate potential hazards to the public health and environment in order to provide alternative measures i.e., providing alternate water supplies, removing concentrated sources of contaminants, or constructing structures to prevent the spread of contamination;
  - Identify specific types of technical assistance and management expertise required to assist in developing specific protocols for environmental assessments, remedial investigations, feasibility studies, interim remedial actions and strategic planning for existing and future mitigation activities;
  - Review other types of assessments that need to be considered, reviewed and incorporated into the conduct and/or design process such as:
    - Estimates of clean-up cost;
    - Estimate of impacts of short-term approach;
    - Estimate of impacts of long-term approach;
    - Cultural impacts;
    - Economic impacts;
    - Human health-risk impacts; and
    - Document approaches and procedures which have been developed in order to negotiate with appropriate Federal agencies for necessary cleanup action and to keep the public informed.
- In establishing the basis for a design process, particularly when there are multiple problems, the applicants may want to consider a prioritization process as follows:
- Emergency situations that require immediate clean-up;
  - Time-critical sites, i.e. sites where the situation will deteriorate if action is not taken soon;
  - Projects with minimum funding requirements;
  - Projects with intermediate-level funding requirements;
  - Projects with maximum funding requirements.
- Achieving compliance with Federal environmental protection legislation is the driving force behind all Federal clean-up activities. 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 design of mitigation strategies:
- 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 (NWPA);
- 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);

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;

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.

Phase II should result in a carefully documented examination of alternative approaches and the selection of an approach to be used in the Phase III design process.

### Phase III

The purpose of Phase III is the completion of activities initiated under Phase II, the initiation of new activities required to implement programs, and the design of on-site actions required to mitigate environmental damage from DOD activities.

The Phase III activities may include but need not be limited to:

- Development and implementation of a detailed management plan to: Guide corrective action; resolve issues rising from overlapping or conflicting jurisdictions; guide a cooperative and collaborative effort among all parties to ensure there are no duplicative or conflicting regulatory requirements governing the cleanup actions; and, establish a tribal or village framework and/or parameter(s) that will guide the negotiations process for one or multiple cleanup actions;
- Establishment of priorities for mitigation programs when there are

multiple clean-up sites; consider at a minimum the nature of the hazard involved: such as its physical and chemical characteristics, including concentrations and mobility of contaminants; the pathway indicating potential for contaminant transport via surface water, ground water and air/soil, and any other indicators that are identified during the environmental assessment, including the prioritization process identified under Phase II;

- Program design and implementation of information dissemination strategies prior to start up of on-site implementation of mitigation program activities;

- Development of a legal and jurisdictional strategy that addresses DOD/contractor liability issues to ensure quality, cost-effective mitigation services, and to evaluate any measures providing equitable risk between the DOD and the remediation contractor, as well as to incorporate Tribal Employment Rights Office (TERO) and other policies and procedures, if required;

- Design of an approval process and other processes necessary for the implementation of tribal and village codes and regulations for current and future compliance enforcement of all mitigation actions;

- Development/design of a documentation strategy to ensure all DOD and contractor cleanup activities are conducted and completed in a environmentally clean and safe manner for the social and economic welfare, as well as public health of Indian and Alaska Native people and the surrounding environment;

- Development and conduct of certified training programs that will enable a local work force to become technically capable to participate in the mitigation activities, if they so choose; and

- Conduct of any other activities deemed necessary to carry out Phase I, II and III activities.

Phase III should result in a comprehensive plan for conducting all aspects of mitigation action contemplated.

### Phase IV

The Phase IV activities are the implementation of mitigation plans specified in the detailed plan completed in Phase III.

### C. Eligible Applicants

The following organizations are eligible to apply:

- Federally recognized Indian tribes;
- Incorporated Non-Federally and State 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; and

- Other tribal or village organizations or consortia of Indian tribes.

Applicants must comply with the following administrative policies:

- Current grantees under this program may not be eligible under this announcement;

- Current grantees under this program whose grant project period extends beyond September 30, 1999, or who have requested an extension of the grant project beyond that date, are not eligible to apply for a grant under this March 12, 1999, deadline of this announcement.

- Grantees under this program whose grant project period extends beyond September 30, 2000, or who have requested an extension of the grant project beyond that date, are not eligible to apply for a grant under the November 5, 1999, deadline of this announcement.

- Grantees under this program whose grant project period extends beyond September 30, 2001, or who have requested an extension of the grant project beyond that date, are not eligible to apply for a grant under the November 4, 2000, deadline of this announcement.

- 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.

- Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation identifying the organization as non-profit and bearing the seal of the State in which the corporation or association is domiciled.

- If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Native Alaskans, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community, applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

#### D. Available Funds

Subject to availability of funds, approximately \$2.5 million of financial assistance is available under this program announcement for eligible applicants. It is expected that about 10 awards will be made, ranging from \$100,000 to \$1 million.

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.

Therefore, a project requesting \$300,000 in Federal funds, must include a match of at least \$15,789 (5% total project cost). 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 1336, Subpart E—Financial Assistance Provision.

As per 45 CFR 74.2, 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 an 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 which 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. No additional weight or preference is given to applications because of an increased number of phases proposed. Also, competition is not based on proposals of the same phase or phases but on the merit of the application independent of phase consideration.

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 (15 points):

(a) The application presents specific mitigation goals related to the proposed project. It 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. 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.

A tribal organization may submit resolutions supporting the project proposal from each of its members tribes, as well as a resolution from the applicant organization. Other examples of documentation include: Community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

(c) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. 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 (45 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, or financed by other than ANA funds at the end of the project period.

#### (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 for each budget period requested 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. ANA will fund at least five (5) percent of the employer's share, and up to the full grant-project Federal share of employer contributions when based on a program providing benefits equally to all grant- and non-grant employees.
- 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. 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

Georgeline Sparks, Program Specialist, Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, 370 L'Enfant Promenade, SW., Mail Stop HHH 348-F, Washington, DC 20447, tel: (202) 690-6420, e-mail: GSparks@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, not the length of the first budget period. 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 first Budget period, not the entire project period.

- Applicants proposing multi-year projects need to describe and submit project objective workplans and activities for each budget period. (Separate itemized budgets for the Federal and non-Federal costs should be included).

- Applicants for multi-year projects must justify the entire time-frame of the project and also project the expected results to be achieved in each budget period and for the total project period.

##### (3) Grant Administrative Guidance:

- The application's 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 period length on the first page of the Form 424, Block 13, not the length of the first budget period. 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 must specify the Federal funds requested for the first Budget Period, not the entire project period.

- Applicants may propose a 17 month project period. However, the project period for the first year of a multi-year project may only be 12 months.

(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 dates for applications submitted in response to this program announcement are March 12, 1999, November 5, 1999 and November 4, 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 granting agency shall notify each late applicant that its application will not be considered in the current competition.

#### Extension of Deadlines

The granting agency 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.
- A multi-year project is a project on a single theme that requires more than 12 months to complete and affords the applicant an opportunity to develop and address more complex and in-depth strategies than can be completed in one year. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period.
- Budget Period is the interval of time (usually 12 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. Multi-Year Projects

This announcement is soliciting applications for project periods up to 36

months. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be as long as 36 months. Funding after the 12 month budget period of an approved multi-year project is non-competitive. The non-competitive funding for the second and third years is contingent upon the grantee's satisfactory progress in achieving the objectives of the project according to the approved work plan, the availability of Federal funds, compliance with the applicable statutory, regulatory and grant requirements, and determination that continued funding is in the best interest of the Government.

#### D. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372.

#### E. 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, D.C. 20447-0002, Attention: Lois B. Hodge—ANA No 93612-993.

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

Hand delivered applications are accepted during the normal working hours of 8:00 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, D.C. 20024, Attention: Lois B. Hodge, ANA No. 93612-993.

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. 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 13, 1999.

**Gary N. Kimble,**

*Commissioner, Administration for Native Americans.*

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