

DEPARTMENT OF COMMERCE**National Telecommunications and Information Administration****DOCKET NUMBER:** [981203295-9313-03; CFDA 11.552]**RIN 0660-ZA06****Technology Opportunities Program (formerly known as the Telecommunications and Information Infrastructure Assistance Program)****AGENCY:** National Telecommunications and Information Administration, Commerce.**ACTION:** Notice of Availability of Funds.

SUMMARY: The National Telecommunications and Information Administration (NTIA) issues this Notice describing the conditions under which applications will be received under the Technology Opportunities Program (TOP) and how NTIA will determine which applications it will fund.¹ TOP promotes the widespread use and availability of advanced telecommunications and information technologies in the public and non-profit sectors. By providing matching grants for information infrastructure projects, this program will help develop a nationwide, interactive, broadband information infrastructure that is accessible to all Americans, in rural as well as urban areas.

DATES: Complete applications for the Fiscal Year 2000 TOP grant program must be mailed or hand-carried to the address indicated below and received by NTIA no later than 9:00 p.m. EST, March 16, 2000.

ADDRESSES: Applications must be mailed to: Technology Opportunities Program National Telecommunications and Information Administration U.S. Department of Commerce 1401 Constitution Avenue, NW HCHB, Room 4092, Washington, D.C. 20230.
or hand-delivered to:
Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 1874, Herbert Clark Hoover Building 1401 Constitution Avenue, NW, Washington, D.C. 20230.
Room 1874 is located at entrance #10 on 15th Street NW, between Pennsylvania and Constitution Avenues.

FOR FURTHER INFORMATION, CONTACT:

Stephen J. Downs, Director of the Technology Opportunities Program.

Telephone: 202/482-2048; fax: 202/501-5136; e-mail: top@ntia.doc.gov.

SUPPLEMENTARY INFORMATION:**Program Purposes**

NTIA announces the seventh annual round of a competitive matching grant program, the Technology Opportunities Program (TOP). TOP promotes the development, widespread availability, and use of advanced telecommunications and information technologies to serve the public interest.

To accomplish this objective, TOP will provide matching grants to state, local, and tribal governments;² non-profit community-based organizations; non-profit health care providers and public health institutions; schools; libraries; museums; colleges; universities; public safety providers; and other non-profit entities. TOP will support projects that improve the quality of, and the public's access to, cultural, educational, and training resources; reduce the cost, improve the quality, and/or increase the accessibility of health care and public health services; promote responsive public safety services; improve the effectiveness and efficiency of government and public services; and foster communication, resource-sharing, and economic development within communities, both rural and urban.

Authority

Title II of the Commerce, Justice, and State Appropriations Act for Fiscal Year 2000, Incorporated by Reference in the Consolidated Appropriations Act for FY 2000, Pub. L. No. 106-113, "Division B, Section 1000(a)(1)."

Funding Availability

Approximately \$12.5 million is available for federal assistance. A small amount of funds that have been deobligated from grants awarded in previous fiscal years may also be available for Fiscal Year 2000 grants. Based on past experience, NTIA expects this year's grant round to be very competitive. In Fiscal Year 1999, NTIA received over 700 applications collectively requesting more than \$250 million in grant funds. From these applications, the Department of Commerce announced 43 awards totaling \$17.6 million in federal funds.

An applicant may request up to \$600,000 in total federal support. Based on previous grant rounds, TOP anticipates that the average size of a grant award will be approximately

\$375,000 with a grant period lasting between two and three years.

Eligible Organizations

Non-profit entities; state, local, and tribal governments; and colleges and universities are eligible to apply. Although individuals and for-profit organizations are not eligible to apply, they are encouraged to participate as project partners.

Matching Funds Requirements

Grant recipients under this program will be required to provide matching funds toward the total project cost. Applicants must document their capacity to provide matching funds. Matching funds may be in the form of cash or in-kind contributions. Grant funds under this program are usually released in direct proportion to local matching funds utilized and documented as having been expended. NTIA will provide up to 50 percent of the total project cost, unless the applicant can document extraordinary circumstances warranting a grant of up to 75 percent.

Generally, federal funds may not be used as matching funds, except as provided by federal statute. If you plan to use funds from a federal agency, you should contact the federal agency that administers the funds in question and obtain documentation from that agency's Office of General Counsel to support the use of federal funds for matching purposes.

Completeness of Application

TOP will initially review all applications to determine whether all required elements are present and clearly identifiable. The required elements are listed and described in the Guidelines for Preparing Applications—Fiscal Year 2000. Each of the required elements must be present and clearly identified. Failure to do so may result in rejection of the application.

Application Deadline

As noted above, complete applications for the Fiscal Year 2000 TOP grant program must be received by NTIA no later than 9:00 P.M. EST, March 16, 2000. A postmark date is not sufficient. Applications which have been provided to a delivery service on or before March 15, 2000, with "delivery guaranteed" before 9:00 P.M. on March 16, 2000, will be accepted for review if the applicant can document that the application was provided to the delivery service with delivery to the address listed above guaranteed prior to the closing date and time. Applications will not be accepted via facsimile

¹ Please note that TOP was formerly known as the Telecommunications and Information Infrastructure Assistance Program (TIAP).

² American Indian Tribes and Alaska Native Villages.

machine transmission or electronic mail. NTIA anticipates that it will take approximately six months to complete the review of applications and make final funding decisions.

Program Funding Priorities

NTIA supports innovative and exemplary projects that can serve as models for using information infrastructure in the public and non-profit sectors and thereby contribute to the development of an advanced, nationwide network that will ultimately offer broadband communication services to all.³

NTIA believes that every project supported under TOP should be a nationally significant demonstration of how telecommunications and information technologies can be used to extend valuable services and opportunities to all Americans, especially the underserved.⁴ In addition, the development of an advanced information infrastructure accessible by all depends upon the contribution of a wide variety of skills, ideas, and perspectives. Therefore, TOP-supported projects should, to the greatest degree possible, reach out to all members of a community and catalyze partnerships to help reduce the digital divide.⁵ Because important networking efforts may also occur outside of the United States, TOP projects may benefit from linkages to international efforts.

TOP defines innovation broadly. It can encompass, but is not restricted to, a demonstration of broadband or other cutting edge technologies, a new application of proven technologies, a creative strategy for overcoming traditional barriers to access, a new configuration of existing information resources, or the use of network technologies in a unique setting.

NTIA also expects each TOP project to serve as a national model and offer new and practical insights into the use of network technologies. TOP emphasizes the application of technology to meet people's needs, and

not simply on the technology as an end in itself. Therefore, each project should identify specific problems or needs in a community, use network technologies to offer concrete solutions, and produce measurable outcomes.

A TOP project is more than simply adding technology to address a problem, or incrementally modify an existing process. Projects are expected to apply technology creatively and, in so doing, bring about meaningful changes in how services are provided and in the relationships between an organization and its partners and clients.

For FY 2000, TOP is especially interested in projects developed by smaller, locally-based organizations that both serve and represent underserved communities across the nation. For example, these organizations may include but are not limited to: community-based organizations; small non-profits; colleges and universities serving rural communities; Minority Serving Institutions; and organizations representing Empowerment Zones and Enterprise Communities.⁶ TOP wants to build the capacity of organizations that work closely with underserved communities. These non-profits often are able to understand the local dynamics that are helpful in defining the problems and creating community-driven, successful solutions.

For the FY 2000 grant competition, TOP is also especially interested in projects that propose to use advanced network technologies to enhance the quality and efficiency of services delivered through non-profit organizations. Driven by research efforts in the private sector, academia, and the federal government, technological advances promise to improve significantly the quality of today's networks. For example, broadband networks will afford the opportunity to deliver immense amounts of data quickly to the desktop, and emerging wireless networks will give end users greater flexibility in how and when they can access information. TOP encourages applicants to explore creatively the potential of these and other advanced technologies.

In previous fiscal years, NTIA supported planning projects whose primary goal was to develop strategies for the development of information infrastructure applications. Due to the limited amount of funds available to the program, the emphasis for Fiscal Year 2000 is on projects that deploy, use, and

evaluate the use of information infrastructure applications. NTIA will, however, support projects that incorporate some planning activities as part of the proposed project.

In FY 2000, TOP will support projects in four application areas: Community Networking and Services, Lifelong Learning and the Arts, Health, and Public Safety.⁷ Each application will be reviewed with other applications in the same area. TOP is especially interested in projects that cut across application areas to better serve the needs of individuals and communities. Because multiple organizations often share the same end users, TOP encourages applications in which the use of network technology enables partners in different disciplines (e.g., health, education, and public safety) to share information. For example, local government and community-based organizations that work to serve the same families could benefit by increasing coordination and information sharing through the use of network technology.

The four application areas are described below.

Community Networking and Services

Community Networking and Services encompasses Community Networking and Public Services which, in previous years, constituted separate application areas.

Projects in this area provide innovative approaches to strengthen communities, deliver services to people in need, and address the needs of special communities, such as seniors or individuals with disabilities. Community Networking and Services focuses on an array of projects that enable a broad range of community residents and organizations to communicate and share information; to improve the delivery of vital social and administrative services to individuals with a range of needs; to enhance economic and community development through the coordination, delivery, and redefinition of vital services; and to participate in civic activities.

Examples of Community Networking and Services projects may include, but would not be limited to: community information systems that allow end users to draw upon an expanding variety of information resources and customize the output to meet specific goals; online mechanisms for social services delivery that allow multiple

³ "Information infrastructure" includes telecommunication networks, computers, other end-user devices, software, standards, and skills that collectively enable people to connect to each other and to a vast array of services and information resources.

⁴ "Underserved" refers to individuals and communities that are subject to barriers that limit or prevent their access to the benefits of network technologies or vital services. These barriers may be technological, geographic, economic, physical, linguistic, or cultural.

⁵ More details on the growing gap in access to telecommunications and information technology in America can be found in NTIA's report, *Falling through the Net: Defining the Digital Divide*. This report is available on the Internet at NTIA's home page, <http://www.ntia.doc.gov>.

⁶ Minority Serving Institutions include Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities.

⁷ Please note that this year, TOP has combined the FY 1999 application areas of Community Networking and Public Services into a single application area.

stakeholder organizations to link services, where appropriate, and thereby reduce overall administrative burdens on themselves and their clients; innovative access models that create mechanisms for reaching out to populations whose access to information tools may have been limited, or prevented, by geographic barriers, economic distress, linguistic or acculturation problems, age, or simple distance; economic development models that use information technologies to promote self-sufficiency among individuals and families and or employ emerging technologies to capture and share demographic and/or environmental information to allow community groups and individuals to devise creative strategies for economic revitalization.

Lifelong Learning and the Arts

Projects in this area seek to improve education and training for learners of all ages and provide cultural enrichment through the use of information infrastructure in both traditional and non-traditional settings. While TOP will continue to support a full range of projects in the Lifelong Learning and the Arts application area, this year TOP is particularly interested in projects which use network-based technology to deliver training and instruction to lifelong learners in non-traditional settings such as homes, community centers, and workplaces.

Examples of Lifelong Learning and the Arts projects may include, but would not be limited to: projects that explore creative partnerships among schools, libraries, museums, colleges, or universities to deliver network-based learning resources; projects linking workplaces and job-training sites to educational institutions; projects that enrich communities by delivering on-line informational, educational, and cultural services from public libraries, museums, and other cultural centers; and projects that allow users to collaborate in the creation of cultural works or participate actively in meaningful on-line learning exchanges.

Health

Projects in this area involve the use of information infrastructure in the delivery of health care and public health services.

Examples of Health projects may include, but would not be limited to: systems that improve the social and medical models of care to consumers in their place of residence; telemedicine systems that offer integrated approaches to extending and integrating medical and dental expertise to rural or

underserved urban areas or non-traditional settings; projects designed to improve communication, collaboration and knowledge among and between health care providers and patients to empower consumers to participate jointly in their health care; projects to improve access and timeliness of care for those in emergency situations and explore various methods to extend services beyond the emergency room; projects that integrate technology to assess community needs and develop innovative health technology models of care delivery across the care continuum; projects that integrate triage mechanisms into improving care delivery for the uninsured, under insured, and low income populations; and networks or information services aimed at disease prevention and health promotion.

Public Safety

Projects in this area will seek to increase the effectiveness of law enforcement agencies, the court system, emergency, rescue, and fire departments, or other entities involved in providing safety services that respond to, prevent, or intervene in crises.

Examples of Public Safety projects may include, but would not be limited to: projects that facilitate information exchange among public safety agencies located in single or multiple geographic areas to increase efficiency and share resources, including spectrum resources; projects that provide information in a timely manner to "first-response officials" and assist agencies in on-the-spot situation analysis; projects that advance the capabilities of public safety agencies to identify individuals involved in incidents; applications that reduce risks to responding units and the public; projects that help public safety agencies provide community outreach services; and projects that aim to increase the safety and security of children and reduce domestic violence.

Limitations on Project Scope

Projects funded by TOP must meet the Program Funding Priorities described in this Notice. Projects must involve innovative approaches to the delivery of useful, practical services in real-world environments within the grant award period. Listed below are types of projects TOP *will not support* in Fiscal Year 2000.

(1) **One-Way Networks.** TOP *will not support* construction or extensions of one-way networks, that is, networks that deliver information to a passive audience; all networks and services proposed for TOP support must be

interactive.⁸ For example, TOP will not fund one-way broadcast systems, tape duplication and/or delivery projects, or any project that does not permit the end user in some fashion to select the information he or she will receive.

(2) **Single-Organization Projects.** TOP *will not support* projects whose primary emphasis is on the internal communications needs of a single organization, even if the organization has a considerable number of offices in different cities or regions of the country. For example, TOP will not consider projects that create or expand Local Area Networks or internal e-mail systems whose end users are principally, or exclusively, staff members of a single organization. However, TOP will support applications that extend communications among multiple organizations and agencies within a governmental jurisdiction. Projects should, to the maximum degree feasible, include appropriate partnerships, with plans for inter-organizational communications among the partners.

(3) **Replacement or Upgrade of Existing Facilities.** TOP *will not support* any projects whose purpose is to upgrade or replace existing systems, add workstations or servers to existing networks, or complete the installation of a network.

In addition, TOP *will not support* projects whose primary purpose is to develop content, hardware, or software, to provide training on the use of the information infrastructure, or to build voice-based systems.

(1) **Content Development Projects.** Many projects necessarily involve some modification or development of content.⁹ Therefore, TOP will support projects in which the creation or conversion of content is part of a larger effort to utilize information infrastructure technologies to address real-world problems. However, TOP will not support projects whose primary purpose is to develop data resources, or in any other way produce information content. For example, TOP *will not* consider projects which are designed only to develop curriculum, create databases, convert existing paper-based information to a digital format, digitize

⁸ "Interactivity" is defined as the capacity of a communications system to allow end users to communicate directly with other users, either in real time (as in a video teleconference) or on a store-and-forward basis (as with electronic mail), or to seek and gain access to information on an on-demand basis, as opposed to a broadcast basis.

⁹ "Content development" refers to the creation of information resources, such as databases or World Wide Web sites, for the purpose of dissemination through one or more on-line services.

existing graphics collections, or establish World Wide Web sites.

(2) **Hardware or Software Development Projects.** Some projects may require limited software development or the customization or modification of existing software or hardware in order to meet particular end-user requirements or to enable the exchange of information across networks. However, the creation of a software or hardware product *cannot* be a project's primary purpose.

(3) **Training Projects.** While TOP does consider training to be an essential aspect of most implementation projects, TOP *will not* support projects whose primary purpose is to provide training in the use of software applications, Internet use, or other use of information infrastructure.

(4) **Voice-based Systems.** Two-way, interactive voice networks are an important element of the existing information infrastructure. Voice as a means for conveying information and voice input tools play critical roles in ensuring people with disabilities have access to network technology. However, TOP *will not* support projects whose primary purpose is to either build or install voice-based communication networks such as call centers, two-way radio networks, or 800 MHz radio systems.

Review Criteria

Reviewers will review and rate each application using the following criteria. The relative weights of each criterion are identified in parentheses.

1. Project Purpose (15%)

Each application will be judged on the overall purpose of the proposed project and its potential impact on a community. In assessing the "Project Purpose," reviewers will examine the degree to which the applicant clearly: defines the problem(s) within the community to be served and describes its severity; proposes creative and practical means of addressing the community's problem(s) employing network technologies; and identifies anticipated outcomes and potential impacts that are both realistic and measurable. Reviewers will also assess the degree to which an applicant convincingly links the three major elements—problem(s), solution(s), and outcomes.

Reviewers will assess the degree to which the project targets underserved communities and populations, and the degree to which the proposed project will address the circumstances and levels of distress (such as poverty, high unemployment, low educational

achievement, high crime rate, poor health status, etc.) they face.

2. Innovation (15%)

As noted in the section on "Program Funding Priorities," reviewers will assess innovation broadly, examining both the technology to be used and the application of technology in a particular setting, to serve a particular population, or to solve a particular problem. Reviewers will also assess the degree to which the project would bring about new and practical changes in how the applicant provides services and enhances relationships between its partners and clients.

When rating the degree to which an application demonstrates innovation, reviewers will use their experience as experts in their respective fields to determine whether a proposed project introduces a unique or new approach and extends the state-of-the-art in a given application area. Reviewers will examine each project in a national context and ask: (1) how an application compares with, complements, or improves upon other activities in a given application area, and (2) what insight(s) a proposed project could add to what is known about using network technologies in a given application area.

3. Diffusion Potential (15%)

The innovations and approaches to be demonstrated in any proposed project should contain the potential to be diffused broadly throughout the country. NTIA expects that each awarded project will serve as a model for other communities to follow.

To assess this potential for diffusion, reviewers will consider four factors:

(1) the degree to which the problem identified by the applicant is common to many communities;

(2) the relative advantage of the project's innovations over established approaches to addressing the specified problems;

(3) the ease of replication and adaptation, based on considerations such as cost and complexity; and

(4) the applicant's plans to disseminate actively the knowledge gained from the project's successes and failures.

4. Project Feasibility (15%)

In assessing the feasibility of each application, reviewers will focus on four issues: the technical approach, the qualifications of the project staff, the proposed budget and the implementation schedule, and the applicant's plan for sustaining the project beyond the grant period.

In assessing technical approach, reviewers will examine how the proposed system would work, how it would operate with other systems, technological alternatives that have been considered, designs for system maintenance, periodic upgrades, and plans to adapt to unforeseen developments. Applicants are expected to make use of existing infrastructure and commercially available telecommunications services, unless extraordinary circumstances require the construction of new network facilities.

In assessing the qualifications of the project team, reviewers will assess the applicant and its partners to determine if they have the resources, expertise, and experience necessary to undertake, evaluate, and complete the project and disseminate results within the proposed period.

Reviewers will analyze the budget in terms of clarity and cost-effectiveness. The proposed budget should be appropriate to the tasks proposed and sufficiently detailed so that reviewers can easily understand the relationship of items in the budget to the project narrative. Reviewers also will assess the degree to which the implementation process is comprehensive and reasonable.

Finally, reviewers will examine the potential long-term viability of the applicant's plans. Reviewers will consider the economic circumstances of the community or communities to be served by the proposed project and the applicant's strategies to sustain the project after the completion of the grant.

5. Community Involvement (15%)

Each application will be rated on the overall level of community involvement in the development and implementation of the proposed project. Reviewers will examine the breadth of community involvement to ensure it includes the development of partnerships among unaffiliated organizations, from the public, non-profit, or private sectors, as an integral part of each project.¹⁰ TOP considers partners to be organizations that supply cash or in-kind resources and/or play an active role in the planning and implementation of the project. Reviewers will:

(1) examine the steps the applicant has taken to engage and sustain the involvement of a variety of community stakeholders. Reviewers will look for evidence of demand, from the community, the end users, and the

¹⁰ "Unaffiliated" organizations are institutions that do not have formal associations or existing relationships with the applicant.

potential beneficiaries, for the services proposed by the project;

(2) consider the degree of attention paid to the needs, skills, working conditions, and living environments of the targeted end users.¹¹ Reviewers will also consider the extent to which applicants involve representatives from a broad range of potential users in both the design and implementation of the project and consider the varying degrees of abilities of all end users, including individuals with disabilities;

(3) assess the applicant's plans for training end users, upgrading their skills, and building community awareness and knowledge of the project;

(4) evaluate the steps applicants have taken to involve and document the support of a variety of stakeholder groups and organizations; and

(5) examine the applicant's efforts to safeguard the privacy of the project's end users and beneficiaries.¹² In circumstances where proprietary or sensitive individual data are involved, reviewers will closely examine the applicant's strategies for addressing the privacy and confidentiality of user information.

6. Reducing Disparities (15%)

Reviewers will assess the degree to which each application addresses barriers which limit a community's or a group's access to the information infrastructure. These barriers may be technological, geographic, economic, physical, linguistic, or cultural. For example,

(1) a rural community may be geographically isolated from information resources and lack local technical expertise to help install and manage the network infrastructure;

(2) an inner city neighborhood may contain large numbers of potential end users who lack the technical expertise and financial resources to access the information infrastructure; or

(3) people with disabilities may need a variety of special hardware or software interfaces to facilitate their use of the information infrastructure.

Reviewers will assess evidence of community need in terms of access to telecommunications and network resources and the applicant's proposed

strategies for overcoming barriers to the access and use of information technologies. Reviewers will focus on the applicant's strategies for reaching out to targeted groups and for tailoring services which address the learning mechanisms, attitudes, abilities, and customs of the community.

7. Evaluation and Documentation (10%)

Each application will be rated on its potential to evaluate and document the effectiveness and efficiency of the proposed solution(s) and anticipated outcome(s) of the project.

Reviewers will assess the degree to which the evaluation links to the overall formulation of project goals and objectives (i.e., the problem, solution, and anticipated outcomes identified in the "Project Purpose" section) and the Review Criteria treated below.

Applicants will be rated on the extent to which their documentation plans include effective record keeping strategies that will assist in the applicant's assessment of the project and facilitate future evaluations of the applicant's efforts.

When examining an applicant's proposed evaluation efforts, reviewers will assess the evaluation design, the implementation plan for the evaluation, and the allocation of resources (i.e., budget, staff, and management) for evaluation. Reviewers will also analyze the evaluation questions; the methodological approach for answering the evaluation questions; how data will be collected; and how the data will be analyzed. Finally, reviewers will assess the qualifications of any proposed evaluators.

Eligible Costs

Eligible Costs. Allowable costs incurred under approved projects shall be determined in accordance with applicable federal cost principles, i.e., OMB Circular A-21, A-87, A-122, or Appendix E of 45 C.F.R. Part 74. If included in the approved project budget, TOP will allow costs for personnel; fringe benefits; computer hardware, software, and other end-user equipment; telecommunication services and related equipment; consultants, evaluators, and other contractual services; travel; rental of office equipment, furniture, and space; and supplies. All costs must be reasonable and directly related to the project.

Indirect Costs. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant federal agency or 100 percent of the total proposed direct costs dollar

amount in the application, whichever is less.

Ineligible Costs

Costs associated with the construction or major renovation of buildings are not eligible. While costs for the construction of new network facilities are eligible costs, applicants are expected to make use of existing infrastructure and commercially available telecommunications services. Only under extraordinary circumstances will the construction of new network facilities be approved. Costs of the professional services, such as instruction, counseling, or medical care, provided via a network supported through this program are not eligible.

Note that costs that are ineligible for TOP support may not be included as part of the applicant's matching fund contribution.

In addition, the Appropriations for Fiscal Year 2000 places restrictions on eligible costs for applicants that are recipients of Universal Service Fund discounts and applicants receiving assistance from the Department of Justice's Regional Information Sharing Systems Program as part of the project costs. This statute provides:

That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.¹³

Accordingly, recipients of the above-described preferential rates or assistance are prohibited from including any costs that would be covered by such preferential rates or assistance in their proposed TOP grant budget.

Award Period

Successful applicants will have between 12 and 36 months to complete their projects. While the completion time will vary depending on the complexity of the project, NTIA has found that most grant recipients require at least two years to complete and fully evaluate their projects. Accordingly,

¹¹ An "end user" is one who customarily employs or seeks access to, rather than provides, information infrastructure. An end user may be a consumer of information (e.g., a member of the public employing a touch-screen public access terminal); may be involved in an interactive communication with other end users; or may use information infrastructure to provide services to the public.

¹² Project beneficiaries are those individuals or organizations deriving benefits from a project's outcome(s). A project beneficiary may also, but not necessarily, be a project end user.

¹³ Title II of the Commerce, Justice, and State Appropriations Act for Fiscal Year 2000, Incorporated by Reference in the Consolidated Appropriations Act for FY 2000, Pub. L. No. 106-113, "Division B, Section 1000(a)(1)."

NTIA encourages applicants to propose projects that last two to three years.

Selection Process

NTIA will publish a notice in the **Federal Register** listing all applications received by TOP. Listing an application in such a notice merely acknowledges receipt of an application that will compete for funding with other applications. Publication does not preclude subsequent return or disapproval of the application, nor does it ensure that the application will be funded. The selection process will last approximately six months and involves four stages:

(1) During the first stage, each eligible application will be reviewed by a panel of outside readers, who have demonstrated expertise in both the programmatic and technological aspects of the application. The review panels will evaluate applications according to the review criteria provided in this Notice and make non-binding written recommendations to the program.

(2) Upon completion of the external review process, program staff may analyze applications as necessary. Program staff analysis will be based on the degree to which a proposed project meets the program's funding scope as described in the section entitled "Limitations on Project Scope;" the eligibility of costs and matching funds included in an application's budget; and the extent to which an application complements or duplicates projects previously funded or under consideration by NTIA or other federal programs.¹⁴ The analysis of program staff will be provided to the TOP Director in writing.

The TOP Director then prepares and presents a slate of recommended grant awards to the Office of Telecommunications and Information Applications' (OTIA) Associate Administrator for review and approval.¹⁵ The Director's recommendations and the Associate Administrator's review and approval will take into account the following selection factors:

1. the evaluations of the outside reviewers;
2. the analysis of program staff;
3. the degree to which the proposed grants meet the program's priorities as described in the section entitled "Program Funding Priorities;"

4. the geographic distribution of the proposed grant awards;

5. the variety of technologies and strategies employed by the proposed grant awards;

6. the extent to which the proposed grant awards represent a reasonable distribution of funds across application areas;

7. the promotion of access to and use of the information infrastructure by rural communities and other underserved groups;

8. avoidance of redundancy and conflicts with the initiatives of other federal agencies; and

9. the availability of funds.

(3) Upon approval by the OTIA Associate Administrator, the Director's recommendations will then be presented to the Selecting Official, the NTIA Administrator. The NTIA Administrator selects the applications to be negotiated for possible grant award taking into consideration the Director's recommendations and the degree to which the slate of applications, taken as a whole, satisfies the selection factors described above and the program's stated purposes as set forth in the section entitled "Program Purposes."

(4) After applications have been selected in this manner, negotiations will take place between TOP staff and the applicant. These negotiations are intended to resolve any differences that exist between the applicant's original request and what TOP proposes to fund, and if necessary, to clarify items in the application. Not all applicants who are contacted for negotiation will necessarily receive a TOP award. Final selections made by the Administrator will be based upon the recommendations by the Director and the OTIA Associate Administrator and the degree to which the slate of applications, taken as a whole, satisfies the program's stated purposes as set forth in the section entitled "Program Purposes," upon the conclusion of negotiations.

Use of Program Income

Applicants are advised that any program income generated by a proposed project is subject to special conditions. Anticipated program income must be documented appropriately in the project budget. In addition, should an application be funded, unanticipated program income must be reported to TOP, and the budget for the project must be renegotiated to reflect receipt of this program income. Program income means gross income earned by the recipient that is either directly generated by a supported activity, or earned as a result of the award. In

addition, federal policy prohibits any recipient or subrecipient receiving federal funds from the use of equipment acquired with these funds to provide services to non-federal outside organizations for a fee that is less than private companies charge for equivalent services. This prohibition does not apply to services provided to outside organizations at no cost.

Policy on Sectarian Activities

Applicants are advised that on December 22, 1995, NTIA issued a notice in the **Federal Register** on its policy with regard to sectarian activities. Under NTIA's policy, while religious activities cannot be the essential thrust of a grant, an application will not be ineligible where sectarian activities are only incidental or attenuated to the overall project purpose for which funding is requested. Applicants for whom this policy may be relevant should read the policy that was published in the **Federal Register** at 60 FR 66491, Dec. 22, 1995.

Waiver Authority

It is the general intent of NTIA not to waive any of the provisions set forth in this Notice. However, under extraordinary circumstances and when it is in the best interest of the federal government, NTIA, upon its own initiative or when requested, may waive the provisions in this Notice. Waivers may only be granted for requirements that are discretionary and not mandated by statute. Any request for a waiver must set forth the extraordinary circumstances for the request and be included in the application or sent to the address provided in the **ADDRESSES** section above. NTIA will not consider a request to waive the application deadline for an application until the application has been received.

Other Information

Electronic Information. Information about NTIA and TOP, including this document and the Guidelines for Preparing Applications—Fiscal Year 2000, can be retrieved electronically via the Internet using the World Wide Web. Use <http://www.ntia.doc.gov> to reach the NTIA home page and follow directions to "Grants." TOP can also be reached via electronic mail at TOP@ntia.doc.gov.

Application Forms. Standard Forms 424 (OMB Approval Number 0348-0044), Application for Federal Assistance; 424A (OMB Approval Number 0348-0043), Budget Information—Non-Construction Programs; and 424B (OMB Approval Number 0348-0040), Assurances—Non-

¹⁴ See discussion of "Eligible Costs" and "Matching Funds Requirements" in this Notice.

¹⁵ The Office of Telecommunication and Information Applications is the division of the National Telecommunications and Information Administration that supervises NTIA's grant awards programs.

Construction Programs, (Rev 4-92), and other Department of Commerce forms shall be used in applying for financial assistance. These forms are included in the Guidelines for Preparing Applications—Fiscal Year 2000, which can be obtained by contacting NTIA by telephone, fax, or electronic mail, as described in the **ADDRESSES** section above. TOP requests one original and five copies of the application. Applicants for whom the submission of five copies presents financial hardship may submit one original and two copies of the application. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number. In addition, all applicants are required to submit a copy of their application to their state Single Point of Contact (SPOC) offices, if they have one. For information on contacting state SPOC offices, refer to the Guidelines for Preparing Applications—Fiscal Year 2000.

Because of the high level of public interest in projects supported by TOP, the program anticipates receiving requests for copies of successful applications. Applicants are hereby notified that the applications they submit are subject to the Freedom of Information Act. To assist NTIA in making disclosure determinations, applicants may identify sensitive information and label it “confidential.”

Type of Funding Instrument. The funding instrument for awards under this program shall be a grant.

Federal Policies and Procedures. Recipients and subrecipients are subject to all applicable federal laws and federal and Department of Commerce policies, regulations, and procedures applicable to federal financial assistance awards.

Pre-Award Activities. If an applicant incurs any project costs prior to the project start date negotiated at the time the award is made, it does so solely at its own risk of not being reimbursed by the government. Applicants are hereby notified that, notwithstanding any oral or written assurance that they may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

No Obligation for Future Funding. If an application is selected for funding, the Department of Commerce has no obligation to provide any additional

future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

Past Performance. Unsatisfactory performance of an applicant under prior federal financial assistance awards may result in that applicant's proposal not being considered for funding.

Delinquent Federal Debts. No award of federal funds shall be made to an applicant who has an outstanding delinquent federal debt until:

1. The delinquent account is paid in full;
2. A negotiated repayment schedule is established and at least one payment is received; or

3. Other arrangements satisfactory to the Department of Commerce are made.

Purchase of American Made Products. Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

Name Check Review. All non-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management, honesty, or financial integrity.

Primary Applicant Certifications. All primary applicants must submit a completed Form CD-511, “Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,” and the following explanations are hereby provided:

1. **Nonprocurement Debarment and Suspension—Prospective participants** (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, “Nonprocurement Debarment and Suspension” and the related section of the certification form prescribed above applies;

2. **Drug-Free Workplace—Grantees** (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, “Government wide Requirements for Drug-Free Workplace (Grants)” and the related section of the certification form prescribed above applies;

3. **Anti-Lobbying—Persons** (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, “Limitation on use of

appropriated funds to influence certain federal contracting and financial transactions,” and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. **Anti-Lobbying Disclosure—Any applicant that has paid or will pay for lobbying in connection with a covered federal action, such as the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement using any funds must submit an SF-LLL, “Disclosure of Lobbying Activities” (OMB Control Number 0348-0046), as required under 15 CFR part 28, appendix B.**

Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, “Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying” and disclosure form SF-LLL, “Disclosure of Lobbying Activities.” Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

False Statements. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review. Applications under this program are subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.” It has been determined that this notice is a “not significant” rule under Executive Order 12866.

Bernadette McGuire-Rivera,

Acting Deputy Assistant Secretary for Communications and Information.

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