

regard to post-Conference events, letters of intent may be submitted until June 30, 1995. Reports from these events and public comments will now be accepted until November 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Karen Goldmeier, White House Conference on Aging, 501 School Street, SW, 8th Floor, Washington, DC 20024-2755, phone (202) 245-7116.

Dated: April 18, 1995.

**Fernando M. Torres-Gil,**

*Assistant Secretary for Aging.*

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BILLING CODE 4130-02-M

## Administration for Children and Families

[Program Announcement No. 93630-95-1]

### Administration on Developmental Disabilities: Availability of Financial Assistance for American Indian Consortia to Provide Protection and Advocacy Services for Fiscal Year 1995

**AGENCY:** Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), Department of Health and Human Services (DHHS).

**ACTION:** Announcement of the availability of funds for American Indian Consortia to provide Protection and Advocacy (P&A) services for Fiscal Year 1995.

**SUMMARY:** The Administration on Developmental Disabilities, Administration for Children and Families, announces the availability of fiscal year 1995 funding for two American Indian Consortia. Financial funding provided by ADD to American Indian Consortia is designed to provide P&A services to Native Americans with developmental disabilities.

**DATES:** The closing date for submittal of applications is June 8, 1995.

**ADDRESSES:** Applications should be mailed to: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, Room 329-D, HHH Building, 200 Independence Avenue SW., Washington, DC 20201, Attn: 93.630-95-1 American Indian Consortium.

Hand delivered applications are accepted during the normal working hours of 8 a.m. to 4:30 p.m. Monday through Friday, on or prior to the established closing date at the above address.

**FOR FURTHER INFORMATION CONTACT:** Isadora Wills, Division of Program Operations, Administration on Developmental Disabilities, (202) 690-5791.

#### SUPPLEMENTARY INFORMATION:

##### Part I. Program Purpose

The Administration on Developmental Disabilities is the lead agency within ACF and DHHS responsible for planning and administering programs which promote the self-sufficiency and protect the rights of individuals with developmental disabilities.

The 1994 Amendments (Pub. L. 103-230) to the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 *et seq.*) (the Act) authorizes assistance to States and public and private nonprofit agencies and organizations to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity and integration and inclusion into the community.

##### Programs Funded Under the Act Are:

- Federal assistance to State developmental disabilities councils;
- State system for the protection and advocacy of individual rights;
- Grants to university affiliated programs for interdisciplinary training, exemplary services, technical assistance, and information dissemination; and
- Grants for Projects of National Significance.

##### Part II. General Information for P&A Consortium

Based on section 142(b) of the Act (42 U.S.C. 6042(b)), an American Indian Consortium established to provide protection and advocacy services under Part C of the Act may submit an application to the Secretary to receive funding pursuant to section 142(c)(5). Such consortium shall coordinate activities with existing P&A systems.

Currently, the States' have difficulties which prohibit the P&A systems from adequately serving large populations of American Indians who reside in isolated, expansive reservations. Despite their efforts, P&A systems in these States have not been able to overcome linguistic, geographic and cultural barriers in order to provide adequate protection and advocacy services to these populations. The American Indian Consortium will help alleviate this problem by allowing certain tribes to

join together and apply to the Secretary for a Consortium award similar to those received by the territories. It is expected that the Consortium, when established, will work cooperatively with the existing P&A systems in the States where the Consortium operates and develop cooperative agreements on how to best serve Native Americans with developmental disabilities.

For the purpose of this announcement an American Indian Consortium is "any confederation of two or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in two or more States." (section 102(1) (42 U.S.C. 6001(1)).

##### Part III. P&A Description and Requirements for Consortia

A. Under the Act categorical grants are made to States and American Indian Consortia for the protection and advocacy of individual rights through P&A systems. Systems must advocate on behalf of, and provide services to, all persons who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements. The P&A systems have been expanding their efforts on behalf of institutionalized people, with special attention on behalf of minorities and other traditionally underserved populations. Typically, these systems provide direct services to clients during a fiscal year, and also provide information and referral services to others. Assistance is provided for education, habilitation services, financial entitlement, consent, architectural barriers removal, day care, employment, rights or privacy, abuse and neglect cases, sterilization, transportation, voting and zoning.

##### B. Statutory Authority

The Developmental Disabilities Assistance and Bill of Rights Act, as amended, 42 U.S.C. 6000 *et seq.*

##### C. Funding Period

In Fiscal Year 1995, ADD has set aside approximate \$272,322 for funding two American Indian Consortia. Each grant will be approximate \$136,161. As specified in 45 CFR 1386.2 of the ADD regulations, Fiscal Year 1995 funds must be obligated by September 30, 1996. These funds must be liquidated by September 30, 1997, in accordance with 45 CFR 1386.3 of the ADD regulations. Funding is authorized through Fiscal Year 1996.

#### Part IV. Specific Responsibilities of the Applicant

An applicant under this announcement must:

A. Provide the resolutions from the participating tribes designating the applicant to operate the Protection and Advocacy system, to receive the federal funds available for this program, and to be responsible for reporting and accounting for such funds to ADD.

B. Indicate that the System shall have the authority to:

1. Pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with developmental disabilities within the exterior boundaries of the Tribes who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to enrolled members of the Tribes (142(a)(2)(A)(i));

2. Provide information on and referral to programs and services addressing the needs of persons with developmental disabilities (142(a)(2)(A)(ii));

3. Investigate incidents of abuse and neglect of persons with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred (142(a)(2)(B)); and

4. Educate policymakers (142(a)(2)(K)).

C. Specify that the system, on an annual basis:

1. Develops a statement of objectives and priorities for the system's activities (142(a)(2)(C)); and

2. Provide to the public including individuals with developmental disabilities attributable to either physical impairment, mental impairments, and their representatives, as appropriate, or a combination of physical or mental impairments, non-Tribal agency representatives, and non-State agency representatives of the State Developmental Disabilities Council, and the university affiliated program (if applicable within a State,) an opportunity to comment on—

(a) The objectives and priorities established by the system and the rationale for the establishment of such objectives; and

(b) The activities of the system, including the coordination with the advocacy programs under the Rehabilitation Act of 1973, the Older Americans Act of 1965, and the Protection and Advocacy for Mentally Ill Individual Act of 1986 and with other related programs, including the

parent training and information centers, education ombudsman programs and assistive technology projects (142(a)(2)(D)).

D. Demonstrate that the system:

1. Has or will establish a grievance procedure for clients or prospective clients of the system to assure that persons with developmental disabilities have full access to services of the system (142(a)(2)(E));

2. Is not being administered by the State Developmental Disabilities Council authorized under Part B (142(a)(2)(F));

3. Is independent of any agency which provides treatment, services, or habilitation to individuals with developmental disabilities (142(a)(2)(G));

4. Has access at reasonable times and locations to any resident who is an individual with a developmental disability in a facility that is providing services, supports, and other assistance to such a resident (142(a)(2)(H));

5. Has access to all records of—

(a) Any individual with developmental disabilities who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access (142(a)(2)(I)(i));

(b) Any individual with developmental disabilities—

(i) Who, by reason of such individual's mental or physical condition, is unable to authorize the system to have access (142(a)(2)(I)(ii)(I));

(ii) Who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the Tribe (142(a)(2)(I)(ii)(II)); and

(iii) With respect to whom a complaint has been received by the system or with respect to whom as a result of monitoring or other activities there is probable cause to believe that such individual has been subject to abuse or neglect (142(a)(2)(I)(ii)(III)); and

(c) Any individual with a developmental disability who has a legal guardian, conservator, or other legal representative with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy whenever—

(i) Such representative has been contacted by the system upon receipt of the name and address of such representative (142(a)(2)(I)(iii)(I));

(ii) The system has offered assistance to such representative to resolve the situation (142(a)(2)(I)(iii)(II)); and

(iii) Such representative have failed or refused to act on behalf of the individual (142(a)(2)(I)(iii)(III));

6. Has hired and maintains sufficient numbers and types of staff, qualified by training and experience, to carry out such system's function except that such system shall not apply hiring freezes, reductions in force, or prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the system from carrying out its functions under the Act (142(a)(2)(J));

7. Will provide assurances to the Secretary that funds awarded to the consortium under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds (142(a)(2)(L)); and

8. Will submit to: Administration on Developmental Disabilities, Division of Program Operation, Room 329-D, HHH Building, 200 Independence Avenue, SW, Washington, DC 20201 the following reports: Financial status reports (269s) bi-annually, Program Performance Report (PPRs) annually and the Statement of Objectives and Priorities (SOPs) annually.

E. Describe how the system will assure that a multimember governing board is selected according to the policies and procedures of the system except that—

1. The governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system and include individuals with developmental disabilities who are eligible for services, or have received or are receiving services, or parents, family member, guardians, advocates, or authorized representative of such individuals;

2. Not more than 1/3 of the membership of the governing board may be appointed by the chief executive officers of the tribes involved, in the case of any tribe in which such officer has the authority to appoint the membership of the board; and

3. Any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs.

#### Part V. Intergovernmental Review of Federal Programs

This program is covered by the State Plan Consolidation Section of E.O. 12372, but is excluded from intergovernmental consultation review.

## Part VI. The Application Process

### A. Application Submission

To be considered as an applicant for an allotment, interested Consortiums must submit an application to the Administration for Children and Families at the address specified in the Program Announcement. There is no application kit; the Consortium's applications may be in a format chosen by the applicant. It must, however, contain resolutions from two or more tribes and be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award and contain the following:

1. The name and Employer Identification Number (EIN) of the agency designated by the Tribes to implement the Protection and Advocacy system.

2. The name address, and telephone number of the director of the system or a contact person, if different from the director.

3. Assurances that:

- a. One signed original and two copies of the application including all attachments, have been submitted on or before June 8, 1995 to: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, Room 329-D, HHH Building, 200 Independence Avenue SW., Washington, DC 20201, Attn: 93.630-95-1 American Indian Consortium.

- b. Not more than five percent of the total funds will be used for monitoring the administration of the system.

4. Appropriate Certifications:

- a. *Non-Profit Status.* Any non-profit organization submitting an application must submit proof of its non-profit status in its 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 bearing the seal of the State in which the corporation or association is domiciled.

- b. Applicants requesting financial assistance for a non-construction project must file the Standard Form 424B, "Assurances: Non-Construction Programs." Applicants must sign and return the Standard Form 424B with their applications.

- c. *Lobbying.* Prior to receiving an award in excess of \$100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

- d. *Compliance with the Drug-Free Workplace Act of 1988.* By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

- c. *Debarment, suspension or otherwise ineligible for award.* By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications. Copies of the certifications and assurance are located at the end of this announcement.

- d. *Certification regarding environmental tobacco smoke.* By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

### B. Application Consideration

The Commissioner of the Administration on Developmental Disabilities determines the final action to be taken with respect to each application received under this announcement. The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review. Applicants will be notified in writing of any such determinations by ADD.

- The Commissioner's funding decision takes into account the analysis of the application, recommendation and comments of the Federal reviewing officials.

- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and regulatory requirements, this program announcement, and the availability of funds.

### Part VII. Review Process and Criteria

Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a pre-review to determine:

- That the applicant is eligible in accordance with the definition of an American Indian Consortium in Part II; and

- That the application forms and materials submitted are adequate to allow an indepth evaluation (all required materials and forms are included in this announcement)

Competing application from Consortiums will be reviewed and evaluated against the following criteria.

#### A. Objectives and Priorities (60 points)

The applicant's description of objectives and priorities to be established. Information provided in response to the items under Part IV of this announcement "Specific Responsibilities of the Applicant" will be used to review and evaluate applications.

#### B. Approach (40 points)

The applicants description of the system's operations/approach toward accomplishing the objectives and priorities. Evidence of the applicant's ability to manage a P&A System is well defined.

### Part VII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations including program announcements. This program announcement does not contain information collection requirement beyond those approved for ADD.

### Part VIII. Receipt of Applications

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

1. Received on or before the deadline date at the Office specified in this announcement; or

2. Sent on or before the deadline date and received by ACF in time for the review. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier of U.S. Postal Services. Private metered postmarks shall not be acceptable as proof of timely mailing).

#### A. Late Applications

Applications which do not meet the criteria stated above are considered late applications. ACF/ADD shall notify each late applicant that its application will not be considered in the competition.

#### B. Extension of Deadlines

ACF may extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; 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 applicant.

### C. Effective Date

We anticipate that successful applications shall be funded no later than June 30, 1995.

(Catalog of Federal Domestic Assistance Program Number 93.630 Developmental Disabilities—Protection and Advocacy Program)

Dated: April 17, 1995.

### Bob Williams,

Commissioner, Administration on Developmental Disabilities.

### Attachment A—Assurances—Non-Construction Programs

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794),

which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 1601–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of

Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

\_\_\_\_\_  
Signature of Authorized Certifying Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant Organization

\_\_\_\_\_  
Date Submitted

### Attachment B—Certification Regarding Lobbying

*Certification for Contracts, Grants, Loans, and Cooperative Agreements*

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an officer or employee of a Member of Congress in connection with 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, and the extension, continuation,

renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all

subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

*State for Loan Guarantee and Loan Insurance*

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this

commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Date

BILLING CODE 4184-01-P

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB  
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b>                  year _____ quarter _____                  date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b></p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee                  Tier _____, if known:</p> <p><b>Congressional District, if known:</b> _____</p>		<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime</b></p> <p><b>Congressional District, if known:</b> _____</p>
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> <p>\$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</b></p>		<p><b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</b></p>
<p><i>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</i></p>		
<p><b>11. Amount of Payment (check all that apply):</b></p> <p>\$ _____      <input type="checkbox"/> actual      <input type="checkbox"/> planned</p>	<p><b>13. Type of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other; specify: _____</p>	
<p><b>12. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind; specify: nature _____                  value _____</p>		
<p><b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b></p> <p><i>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</i></p>		
<p><b>15. Continuation Sheet(s) SF-LLL-A attached:</b>      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p>		
<p><b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p><b>Signature:</b> _____  <b>Print Name:</b> _____  <b>Title:</b> _____  <b>Telephone No.:</b> _____      <b>Date:</b> _____</p>	
<p><b>Federal Use Only</b></p>		<p>Authorized for Local Reproduction Standard Form - LLL</p>

ATTACHMENT C

**U.S. Department of Health and Human Services**  
**Certification Regarding Drug-Free Workplace Requirements**  
**Grantees Other Than Individuals**

**By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.**

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**The grantee certifies that it will or will continue to provide a drug-free workplace by:**

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantees may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code) \_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990



**Attachment D—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions**

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)**

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the

above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "certification Regarding Debarment, Suspension, Ineligibility, Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

**Attachment E—Certification Regarding Environmental Tobacco Smoke**

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

[FR Doc. 95–10029 Filed 4–21–95; 8:45 am]  
BILLING CODE 4184–01-P

**Food and Drug Administration**

**Request for Nominations for Members on Public Advisory Committees; Food Advisory Committee**

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting nominations for members to serve on the Food Advisory Committee (the Committee) in FDA's Center for Food Safety and Applied Nutrition. Nominations will be accepted for current vacancies and vacancies that will or may occur on the Committee during the next 12 months.

FDA has special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for

appropriately qualified female, minority, or physically handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

**DATES:** Nominations should be received by May 24, 1995.

**ADDRESSES:** All nominations for membership, except for consumer-nominated members, should be sent to Catherine M. DeRoever (address below). All nominations for the consumer-nominated members should be sent to Martha F. Waugh or Annette J. Funn (address below).

**FOR FURTHER INFORMATION CONTACT:**

Regarding all nominations for membership, except for consumer-nominated members: Catherine M. DeRoever, Center for Food Safety and Applied Nutrition (HFS–22), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251.

Regarding all nominations for consumer-nominated members: Martha F. Waugh or Annette J. Funn, Office of Consumer Affairs (HFE–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

**SUPPLEMENTARY INFORMATION:** FDA is requesting nominations for members to serve on the advisory committee listed below. Individuals should have expertise in the activity of the Committee. Eight vacancies will occur June 30, 1995.

**Food Advisory Committee**

The Committee provides advice primarily to the Director, Center for food Safety and Applied Nutrition, and as needed, to the Commissioner of Food and Drugs, and other appropriate officials, on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade. The Committee also provides advice and makes recommendations on ways of communicating to the public the potential risks associated with these issues and recommends approaches to be considered in addressing them.

**Criteria for Members**

Persons nominated for membership on the Committee shall be knowledgeable in the fields of life sciences, food science, risk assessment, or other relevant scientific disciplines. The Committee may include technically qualified members who are identified