

governments, in the aggregate, or by the private sector, of more than \$100 million in any one year. Accordingly, the Department has not prepared a budgetary impact statement specifically addressing the regulatory alternatives considered, or prepared a plan for informing and advising any significantly or uniquely affected small government.

*G. Executive Order 12988 (Civil Justice Reform)*

The Department drafted and reviewed this rule according to Executive Order 12988, and determined that it will not unduly burden the Federal court system. The rule has been written to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

*H. Executive Order 13175 (Tribal Summary Impact Statement)*

Executive Order 13175 requires consultation and coordination with Indian Tribal Governments and also requires a tribal summary impact statement in the preamble of the regulation, which describes the extent of the agency's prior consultation with tribal officials, a summary of nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met. The Department has reviewed this regulation for tribal impact and has determined that no provision preempts tribal law or the ability of tribes to self-govern. The Department has encouraged input from members of tribal organizations as well as other individuals through a series of Town Hall meetings.

**List of Subjects in 20 CFR Part 641**

Aged, Employment, Government contracts, Grant programs—labor, Reporting and recordkeeping requirements.

For the reasons stated in the Preamble, 20 CFR Part 641 is proposed to be revised to read as follows:

**PART 641—PROVISIONS GOVERNING THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM**

**Subpart A—Purpose and Definitions**

Sec.

- 641.100 What does this Part cover?
- 641.110 What is the SCSEP?
- 641.120 What are the purposes of the SCSEP?
- 641.130 What is the scope of this Part?
- 641.140 What definitions apply to this Part?

**Subpart B—Coordination with the Workforce Investment Act**

- 641.200 What is the relationship between SCSEP and the Workforce Investment Act?
- 641.210 What services, in addition to the applicable core services, must SCSEP grantees provide through the One-Stop Delivery System?
- 641.220 Does title I of WIA require SCSEP to use OAA funds for individuals who are not eligible for SCSEP services or for services that are not authorized under the OAA?
- 641.230 Must the individual assessment conducted by the SCSEP grantee and the assessment performed by the One-Stop Delivery System be accepted for use by either entity to determine the individual's need for services in the SCSEP and adult programs under title IB of WIA?
- 641.240 Are SCSEP participants eligible for intensive and training services under title I of WIA?

**Subpart C—The State Senior Employment Services Coordination Plan**

- 641.300 What is the State Plan?
- 641.305 Who is responsible for developing and submitting the State Plan?
- 641.310 May the Governor delegate responsibility for developing and submitting the State Plan?
- 641.315 Who participates in developing the State Plan?
- 641.320 Must all national grantees operating within a State participate in the State planning process?
- 641.325 What information must be provided in the State Plan?
- 641.330 How should the State Plan reflect community service needs?
- 641.335 How should the Governor address the coordination of SCSEP services with activities funded under title I of WIA?
- 641.340 Must the Governor submit a State Plan each year?
- 641.345 What are the requirements for modifying the State Plan?
- 641.350 How should public comments be solicited and collected?
- 641.355 Who may comment on the State Plan?
- 641.360 How does the State Plan relate to the equitable distribution (ED) report?
- 641.365 How must the equitable distribution provisions be reconciled with the provision that disruptions to current participants should be avoided?

**Subpart D—Grant Application and Responsibility Review Requirements**

- 641.400 What entities are eligible to apply to the Department for funds to administer SCSEP community service projects?
- 641.410 How does an eligible entity apply?
- 641.420 What factors will the Department consider in selecting grantees?
- 641.430 What are the eligibility criteria that each applicant must meet?
- 641.440 What are the responsibility conditions that an applicant must meet?
- 641.450 Are there responsibility conditions that alone will disqualify an applicant?

- 641.460 How will the Department examine the responsibility of eligible entities?
- 641.465 Under what circumstances may the Department reject an application?
- 641.470 What happens if an applicant's application is rejected? [Reserved]
- 641.480 May the Governor make recommendations to the Department on grant applications?
- 641.490 When may SCSEP grants be awarded competitively?

**Subpart E—Services to Participants**

- 641.500 Who is eligible to participate in the SCSEP?
- 641.505 When is eligibility determined?
- 641.507 What types of income are included and excluded for participant eligibility determinations? [Reserved]
- 641.510 What happens if a grantee/subgrantee determines that a participant is no longer eligible for the SCSEP due to an increase in family income?
- 641.515 How must grantees/subgrantees recruit and select eligible individuals for participation in the SCSEP?
- 641.520 Are there any priorities that grantees/subgrantees must use in selecting eligible individuals for participation in the SCSEP?
- 641.525 Are there any other groups of individuals who should be given special consideration when selecting SCSEP participants?
- 641.530 Must the grantee/subgrantee always select priority or preference individuals?
- 641.535 What services must grantees/subgrantees provide to participants?
- 641.540 What types of training may grantees/subgrantees provide to SCSEP participants?
- 641.545 What supportive services may grantees/subgrantees provide to participants?
- 641.550 What responsibility do grantees/subgrantees have to place participants in unsubsidized employment?
- 641.555 What responsibility do grantees have to participants who have been placed in unsubsidized employment?
- 641.560 May grantees place participants directly into unsubsidized employment?
- 641.565 What policies govern the provision of wages and fringe benefits to participants?
- 641.570 Is there a time limit for participation in the program?
- 641.575 May a grantee establish a limit on the amount of time its participants may spend at each host agency?
- 641.580 Under what circumstances may a grantee terminate a participant?
- 641.585 Are participants employees of the Federal Government?
- 641.590 Are participants employees of the grantee, the local project and/or the host agency?

**Subpart F—Private Sector Training Projects Under Section 502(e) of the OAA**

- 641.600 What is the purpose of the private sector training projects authorized under section 502(e) of the OAA?
- 641.610 How are section 502(e) activities administered?