

“(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

“(B) to make such individuals more competitive in the workforce; and

“(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.” Congress has also directed that section 166 programs be administered consistent with the principles of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450, *et seq.*, and the government-to-government relationship between the Federal government and Indian tribal governments. WIA section 166(a)(2).

Note: Congress is now considering legislation to reauthorize WIA; statutory changes may necessitate revision of the designation or award procedures for PY 2004–2005. This SGA has been revised from prior SGAs under WIA section 166 to comply with the new standard format issued by OMB for Federal grant solicitations. See 68 FR 37370–79 (June 23, 2003). The “General Designation Principles” included in prior SGAs for this program have been omitted because we have determined that inclusion of the actual regulatory text (see Exhibit A attached) will be more useful to potential applicants.

II. Award Information

Type of assistance instrument: An initial two-year grant, which may be extended for an additional two years under appropriate circumstances.

As stated in Section I, no waivers of competition are available for the PY 2004–2005 grant cycle. Therefore applications for new awards may compete with applications from existing grantees or for supplementation of existing projects. The amount of WIA Section 166 funds to be awarded to designated Native American organizations will be determined under the procedures set by 20 CFR 668.296, as well as by § 668.440 for youth funds. DOL will determine award amounts after designation of service areas and service providers and once funding appropriations for the grant period have been made by Congress.

Amount of funds to be awarded. Depending upon final appropriation legislation, DOL anticipates awarding approximately \$55 million for the Comprehensive Services program and \$15 million for Supplemental Youth Services under this SGA.

Anticipated number of awards. Approximately 190 grantees will be designated under this SGA.

Expected amounts of individual awards. Awards under the

Comprehensive Services program are anticipated to range from approximately \$20,000 to approximately \$6.5 million.

Awards for the Supplemental Youth Services program are anticipated to range from approximately \$4,000 to approximately \$2.5 million. Final award amounts in each category will depend on Census data and the final PY 2004 and PY 2005 appropriation levels.

Average amount of funding per award. For PY 2003, the average Comprehensive Services grant amount was \$295,647, and the average Supplemental Youth Services grant amount was \$102,170. We expect that average funding for the PY 2004 awards will not differ significantly from these amounts.

Anticipated start dates and periods of performance for new awards. New and existing grantees will be expected to commence operations on July 1, 2004. The initial performance period for all grantees will be from July 1, 2004 to June 30, 2006.

III. Eligibility Information

1. Eligible Applicants

To be eligible for designation as a Section 166 grantee, an entity must meet all eligibility requirements of WIA Section 166 and 20 CFR 668.200, as well as the application and designation requirements found at 20 CFR part 668, subpart B (see Exhibit A attached). Potential applicants are expected to thoroughly review and comply with the statute and regulations.

Among other requirements, eligible entities must have a legal status as a government, an agency of a government, a private non-profit corporation (*i.e.*, incorporated under IRS section 501(c)(3) or 501(c)(4)), or a consortium that satisfies the requirements of 20 CFR 668.200(a), (b), and (c)(6). Additionally, eligible entities must be:

- Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations;
- Consortia of eligible entities; or
- State-recognized tribal organizations serving individuals who were eligible to participate under JTPA Section 401 as of August 6, 1998.

See WIA Sections 166(b), (c)(1), and (d)(2)(B); 20 CFR 668.200(c) and (d). Community and faith-based organizations are eligible to apply for Section 166 grants in accordance with WIA Section 166(c) and 20 CFR 668.200(c) and (d) if they are Native American- or Native Hawaiian-controlled. Non-profit corporations organized under 501(c)(4) that engage in lobbying activities are not eligible to

receive Federal funds and grants, as required by Section 18 of the Lobbying Disclosure Act of 1995, Public Law 104–65 (2 U.S.C. 1611).

Additional key requirements include the following: Applicants must satisfy a responsibility review and demonstrate that they have the ability to administer Federal funds. See 20 CFR 667.170, 668.200(a)(2), 668.220, and 668.230. Requested geographic service areas must comply with eligibility restrictions based on the formula funding level associated with population size. See 20 CFR 668.200(a)(3), 668.296(b), and 668.440(a).

The statute and regulations also establish comparative priorities for designation among eligible entities. A Federally recognized Indian tribe, band, or group on its reservation (including former reservation areas in Oklahoma), and Alaska Native entities defined in the Alaska Native Claims Settlement Act (ANCSA) (or consortia that include a tribe or an ANCSA entity) will receive the highest priority over any other organization for designation as the service provider for the area over which the entity has legal jurisdiction, provided that the entity has the capability to administer the program and also meets all eligibility and regulatory requirements. See 20 CFR 668.210(a). For areas not covered by the highest priority, DOL will designate other eligible organizations as service providers, which in some instances might be Indian tribes, bands, or groups applying for off-reservation areas. DOL will follow the regulatory procedures for consultation and communication with Native American leaders in affected service areas. See 20 CFR 668.210 and 668.280. New applicants (and incumbent grantees seeking designation for areas in addition to those covered by existing grants) are expected to clearly demonstrate a working knowledge of the community that they plan to serve, including available resources, resource utilization, and acceptance by the service population.

Applicants must submit a separate, complete Notice of Intent in accordance with Section IV(2) for each non-contiguous geographic area for which they seek designation. DOL is not required to adhere to the geographical service area requested in a Notice of Intent, but may make a section 166 designation for all of the area requested or, if acceptable to the designee, a portion of the area requested or more than the area requested.

Organizations with no prior grant history with the Department, or about whom there are financial or grant management concerns, may be