

conditionally designated pending an on-site review and/or a six-month assessment of program progress. Failure to satisfy these conditions may result in a withdrawal of designation.

As discussed in Section IV(2), applicants' Notice of Intent submission must include documentation supporting their eligibility to serve as a section 166 grantee, including documentation of their legal status and ability to administer funds.

The following definitions and special designation situations will be used by DOL in determining eligibility and designating section 166 service providers:

Indian or Native American-Controlled Organization. In accordance with WIA section 166(c) and 20 CFR 668.200(c), an Indian or Native American-controlled organization is defined as any organization with a governing body, more than 50 percent of whose members are Indians or Native Americans. Such an organization can be a tribal government, Native Alaska, or Native Hawaiian entity, consortium, or public or private non-profit agency. For the purpose of designation determinations, the governing body must have decision-making authority for the WIA section 166 program. It should be noted that, under WIA section 166(d)(2)(B), individuals who were eligible to participate under section 401 of JTPA on August 6, 1998, are or will be eligible to participate under WIA. Organizations serving such individuals will be considered "Indian controlled" for WIA section 166 purposes if they meet the criteria of this section.

Service Area. Service Area is defined as the geographic area, described as States, counties, or reservations, or parts or combinations thereof, for which a section 166 designation is made. In some cases, a service area also will be defined in terms of the specific population to be served. The service area is identified by the Grant Officer in the formal designation letter. Grantees must ensure that all eligible population members have equitable access to employment and training services within their designated service area. *See* 20 CFR 668.650(a).

Service Areas for Alaska Native Entities. Through prior grant competitions, DOL has established geographic service areas for Alaska Native employment and training grantees based on the following: (a) The boundaries of the regions defined in the Alaska Native Claims Settlement Act (ANCSA); (b) the boundaries of major sub-regional areas where the primary provider of human resource development-related services is an

Indian Reorganization Act (IRA)-recognized tribal council; and (c) the boundaries of the one Federal reservation in Alaska. These service areas may be modified as a result of the current grant competition. Within these established or revised geographic service areas, DOL will designate the primary Alaska Native-controlled human resource development services provider or an entity formally selected by that provider. In the past, these entities have been regional non-profit corporations, IRA-recognized tribal councils, and the tribal government of the Metlakatla Indian Community.

Service Areas for Oklahoma Indians. Through prior grant competitions, DOL has established geographic service areas for Indian employment and training programs in Oklahoma, which have generally been countywide areas. These service areas may be modified as a result of the current grant competition. In cases in which a significant portion of the land area of an individual county lies within the traditional jurisdiction(s) of more than one tribal government, the service area has been subdivided to a certain extent on the basis of tribal identification information contained in the most recent Federal Decennial Census of Population. Wherever possible, arrangements mutually satisfactory to grantees in adjoining or overlapping geographic service areas will be honored by DOL. Where such mutually satisfactory arrangements cannot be made, DOL will designate and assign service areas to Native American grantees in a manner that is consistent with WIA and that will preserve continuity of services and prevent unnecessary fragmentation of the programs.

2. Cost Sharing or Matching

The section 166 program does not require grantees to share costs or provide matching funds.

3. Other Eligibility Criteria

In accordance with 29 CFR part 98, entities that are debarred or suspended shall be excluded from Federal financial assistance and are ineligible to receive a section 166 grant. Additionally, entities that have been convicted of violation of 18 U.S.C. 665 and/or 666, or that are in default of any debt repayment agreement signed with the Department or any Federal agency, are ineligible to receive an award under this SGA, unless exceptional circumstances are demonstrated to the satisfaction of DOL.

All recipients of services under section 166 must meet the definition of Indian, Alaska Native, or Native

Hawaiian found at WIA section 166(b) and in the WIA regulations. *See* WIA section 166(d) and 20 CFR 668.300. In addition, priority of services must be given to veterans and spouses of certain veterans, in accordance with the provisions of the "Jobs for Veterans Act," Public Law 107-288 (38 U.S.C. 4215), which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the Department of Labor. Please note that, to obtain priority of service, a veteran must meet the program's eligibility requirements. ETA Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) provides general guidance on the scope of the veterans priority statute and its effect on current employment training programs. DOL anticipates updating this guidance at the time of WIA reauthorization and issuing individual guidance on each affected employment training program.

IV. Application and Submission Information

1. Address To Request Application Package

This Solicitation for Grant Applications, together with the attached excerpt of regulations (20 CFR part 668, subpart B), includes all information needed to apply for designation as a section 166 service provider.

2. Content and Form of Application Submission

All applicants for designation as a section 166 service provider for PY 2004 and 2005, except as noted in the next sentence, must submit a signed original and two copies of a "Notice of Intent—Part A" containing the information listed below. Incumbent Federally recognized tribes participating in the demonstration under Public Law 102-477 whose status has not changed need only submit: a cover letter stating the program's status has not changed, and a completed SF-424, "Application for Federal Assistance," both signed by an authorized signatory official for the applicant. Note that a separate Notice of Intent—Part A must be submitted for each non-contiguous geographic service area.

Beginning October 1, 2003, all applicants for Federal grant and funding opportunities are required to have a Dun and Bradstreet (DUNS) number. *See* OMB Notice of Final Policy Issuance, 68 FR 38402 (June 27, 2003). Applicants for section 166 designation must supply