

Dated: January 17, 2017.

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*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[CFDA Numbers: 93.581, 93.587, 93.612]

#### Request for Public Comment on the Proposed Adoption of Administration for Native Americans Program Policies and Procedures

**AGENCY:** Administration for Native Americans, ACF, HHS.

**ACTION:** Notice for public comment.

**SUMMARY:** Pursuant to Section 814 of the Native American Programs Act of 1974 (NAPA), as amended, the Administration for Native Americans (ANA) is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules and general statements of policy and to give notice of the final adoption of such changes no less than 30 days before such changes become effective. In accordance with notice requirements of NAPA, ANA herein describes proposed interpretive rules and general statements of policy that relate to ANA's funding opportunities beginning in fiscal year (FY) 2017 related to the following programs: Environmental Regulatory Enhancement (HHS-2017-ACF-ANA-NR-1221), Sustainable Employment and Economic Development Strategies (HHS-2017-ACF-ANA-NE-1225), Native American Language Preservation and Maintenance-Esther Martinez Immersion (HHS-2017-ACF-ANA-NB-1226), Native American Language Preservation and Maintenance (HHS-2017-ACF-ANA-NL-1235), Social and Economic Development Strategies (HHS-2017-ACF-ANA-NA-1236), and Economic Development Strategies-Alaska (HHS-2015-ACF-ANA-NK-0960), and Native Youth Initiative for Leadership, Empowerment, and Development (HHS-2017-ACF-ANA-NC-1263). This notice of public comment also provides additional information about ANA's plan for administering grant programs.

**DATES:** The deadline for receipt of comments is 30 days from the date of publication in the **Federal Register**. No Funding Opportunity Announcement

(FOA) will be published prior to 30 days from publication of this Notice.

**ADDRESSES:** Comments in response to this notice should be addressed to Camille Loya, Director of Policy, Administration for Native Americans, 330 C Street SW., Washington, DC 20201. Delays may occur in mail delivery to federal offices; therefore, a copy of comments should be emailed to [ANAComments@acf.hhs.gov](mailto:ANAComments@acf.hhs.gov). Comments will be available for inspection by members of the public at the Administration for Native Americans, 330 C Street SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Camille Loya, Director, Division of Policy, Administration for Native Americans, (877) 922-9262.

**SUPPLEMENTARY INFORMATION:** Section 814 of NAPA, as amended, incorporates provisions of the Administrative Procedure Act that require ANA to provide notice of its proposed interpretive rules and statements of policy and to seek public comment on such proposals. ANA has also decided to provide notice and seek comments on proposed new rules of agency organization, procedure, or practice. The proposed interpretive rules, statements of policy, and rules of ANA procedure and practice reflected in clarifications, modifications, and new text will appear in the seven FY 2017 FOAs: Environmental Regulatory Enhancement (ERE), Sustainable Employment and Economic Development Strategies (SEEDS), Native American Language Preservation and Maintenance-Esther Martinez Immersion (EMI), Native American Language Preservation and Maintenance (P&M), Social and Economic Development Strategies (SEDS), Social and Economic Development Strategies-Alaska (SEDS-AK), and Native Youth Initiative for Leadership, Empowerment, and Development (I-LEAD). This notice serves to fulfill the statutory notice and public comment requirement.

#### A. Funding Opportunity Announcements

For information on the types of projects funded by ANA, please refer to the following for information on current and previously funded ANA grants at <http://www.acf.hhs.gov/ana/grants>.

#### B. Interpretive Rules, Statements of Policy, Procedures, and Practice

1. The following is applicable to all ANA FOAs published beginning in FY 2017:

a. Pre-application trainings, teleconferences, or webinars. It is

government-wide policy and practice that each FOA contain all of the detail needed for an applicant to fully understand the funding opportunity and submit a complete and compliant application. ANA has historically conducted in-person pre-application trainings through its Regional Technical Assistance (TA) Centers and now proposes possible additional pre-application teleconferences or webinars related to its FOAs beginning in FY 2017. Joining and participating in any pre-application in-person training, teleconference, or webinar is voluntary and only information provided in published FOAs will be presented. ACF policy requires that no additional information that is not already provided in the FOA can be disseminated after FOAs have been published.

Participation in any of the pre-application training or informational opportunities is voluntary and will not affect award selection. Participants will remain anonymous and, in the case of in-person training, names of participants will not be retained after the training. Opting not to participate in a pre-application in-person training, teleconference, or webinar will not affect eligibility, application scoring, or the selection process. Applicants unable to attend pre-application teleconferences or webinars will be able to access materials, recordings, or transcripts on the ANA Web site at on the Events section of the ANA Web site at <http://www.acf.hhs.gov/ana/events> after the teleconference or webinar has concluded and no later than 30 days prior to the application due date. ANA has historically posted its *Pre-Application Guide to Developing and Writing Your ANA Application* that is used in in-person pre-application meetings and will continue to do so. This resource can be found at <http://www.acf.hhs.gov/ana/resource/pre-application-training-manual>. For the dates, times, registration, and other information for scheduled pre-application in-person trainings applicants should contact the appropriate regional Training and Technical Assistance Provider at <http://www.acf.hhs.gov/ana/t-ta-regions-map>. This proposed policy and practice will be reflected in *Section I. Program Description—Pre-Application Teleconferences or Webinars* of the FOAs.

b. Application periods. ANA proposes to reduce from 90 to 60 days the time period applicants have to respond to all FY 2017 FOAs because we have determined, based on experience and feedback provided by prior applicants

and TA providers, that a 60-day period to prepare, finalize, and submit applications responsive to the FOAs is a sufficient period of time. In addition, a 60-day application period will help ANA to ensure grants are awarded timely given the time required for competitive panel review, internal review, award decisions, and administrative processing of grant awards. This proposed policy and practice will be reflected in the *Overview Section* of the FOAs.

c. Application Toolkit. ANA proposes to add a link in all FOAs to allow applicants to access ANA's newly established ANA Application Toolkit. The purpose of the Application Toolkit is to provide examples and templates to assist eligible applicants to navigate the application requirements detailed in FOAs. As a collection of otherwise available tools, use of the ANA Application Toolkit is voluntary. This proposed practice will be reflected in *Section VIII. Other Information, Reference Web sites* in the FOAs.

2. The following is applicable to Social and Economic Development Strategies (SEDS) FOA (HHS-2017-ACF-ANA-NA-1236), including Social and Economic Development Strategies for Alaska (SEDS-AK) (HHS-2015-ACF-ANA-NK-0960), beginning in FY 2017:

New Program Area of Interest. In response to the enactment of the Native American Tourism and Improving Visitor Experience Act (NATIVE Act), Public Law 114-221, in September 2016, ANA proposes to include a new economic development program area of interest under the SEDS and SEDS-AK FOAs. The new program area of interest is proposed as:

Tourism—Planning or developing resources, services, and businesses that promote travel, recreation and tourism, or branding to tell the story of Native Americans as the First Peoples of the United States. Projects may use the arts or other cultural resources to help revitalize Native communities, promote economic development, increase livability, and present the uniqueness of the Native communities to visitors in a way that celebrates the diversity of the United States

Even though ANA has previously funded economic and social development projects broadly falling under tourism, the new program area of interest is proposed in response to new specific statutory authority under the NATIVE Act. This proposed policy will be reflected in *Section I. Program Description, Program Areas of Interest* in the SEDS and SEDS-AK FOAs.

3. The following is applicable to Native Youth Initiative for Leadership,

Empowerment, and Development (I-LEAD) (HHS-2017-ACF-ANA-NC-1263) FOA beginning in FY 2017:

a. Application due dates. ANA proposes to modify the application due dates for I-LEAD applications because ANA anticipates earlier publication than in FY 2016. In addition, ANA proposes a 60-day application period for all FY 2017 FOAs. These two factors combine to result in earlier I-LEAD application deadlines.

b. Grants as the instruments of I-LEAD financial assistance. In 2016, ANA awarded I-LEAD financial assistance as cooperative agreements. We propose, beginning in FY 2017, to award I-LEAD financial assistance as grants instead of cooperative agreements because we do not believe the level of substantial federal involvement associated with cooperative agreements is necessary for successful future I-LEAD projects. Both cooperative agreements and grants are legal instruments of financial assistance, but cooperative agreements are distinguished from grants in that cooperative agreements provide for substantial federal involvement between the federal awarding agency (ANA) and the non-federal entity (I-LEAD awardee) in carrying out the activity(ies) contemplated by the federal award. In general terms, "substantial federal involvement" refers to the degree to which federal employees (or technical assistance providers) are directly performing, implementing, or directing parts of the funded program. In a cooperative agreement, federal employees and their agents participate more closely in performance under the financial assistance award including mandated collaborations and activities with other entities. In contrast, with grants, the federal government is limited to an oversight and monitoring role but does not direct grant performance. ANA has determined that I-LEAD projects do not require the level of "substantial federal involvement" contemplated by cooperative agreements. While ANA intends to continue to develop and refine technical assistance resources, materials, and opportunities for all recipients of I-LEAD awards and to encourage and facilitate communities of practice across funded projects serving Native youth, we have determined that the oversight and monitoring role is sufficient to ensure the purposes of I-LEAD projects are adequately supported while, at the same time, allowing I-LEAD grant recipients to determine how to implement their grants within the terms and conditions of their grant awards.

c. Length of project periods. ANA proposes to shorten the project period for I-LEAD awards beginning in FY 2017 from no more than 60 months to no more than 48 months because we have determined that project periods of up to 48 months better position I-LEAD projects for long-term success. Based on ANA's experience with the first recipients of I-LEAD financial assistance, we believe slightly more compressed I-LEAD project periods will facilitate greater emphasis by I-LEAD grantees, at the beginning their projects, on the efficient implementation of culturally relevant evidence-based programming as well as a greater emphasis at end of I-LEAD project periods on activities to ensure financial and programmatic sustainability of project outcomes. We believe there is an inherent momentum in 48-month project periods that will carry I-LEAD projects forward from planning, implementation, and continuous quality improvement to long term sustainability at the end of 48-month I-LEAD project periods. This proposed policy will be reflected in the *Executive Summary* of the I-LEAD FOA.

d. Project Description—

i. Objective Work Plan. ANA proposes requiring submission of the Objective Work Plan (OWP) as part of the initial application submission and reflecting the entire project period of up to 48 months. When I-LEAD projects were funded as cooperative agreements, part of ANA's substantial federal involvement included post-award development of the OWP in partnership with I-LEAD recipients. Since ANA proposes to award I-LEAD financial assistance as grants, without the substantial federal involvement entailed by joint development of OWPs, submission of the OWP as an application requirement beginning in FY 2017 has been determined necessary to support adequate project planning and post-award monitoring. This proposed policy will be reflected in *Section IV.2. Content and Form of Application Submission—Project Description—Objective Work Plan* in the I-LEAD FOA.

ii. Outcome oriented project objectives. ANA proposes outcome oriented objectives that are Specific, Measurable, Achievable, Relevant, and Time-bound (S.M.A.R.T.) be included in funding applications because it is our experience that objectives that are S.M.A.R.T. are more likely to be achieved and are more likely to be useful to gauge project progress. This change for I-LEAD projects would also make the requirements for I-LEAD applications consistent with the

application requirements for ANA's other funding opportunities. This proposed policy will be reflected in *Section IV.2. Content and Form of Application Submission—Project Description—Expected Outcomes—Objectives and V.1. Criteria—Outcomes Expected* in the I-LEAD FOA.

iii. Impact Indicator. ANA proposes applications for I-LEAD financial assistance include at least one impact indicator: a qualitative measure that defines factor(s) the project needs to benchmark and monitor. Impact indicators also provide the means for measuring and evaluating an I-LEAD project's progress and impact. This proposed policy will be reflected in the *Section IV.2. Content and Form of Application Submission—Project Description—Expected Outcomes—Impact* in the I-LEAD FOA.

e. Project Budget and Budget Justification. I-LEAD applicants are required to attend ANA's annual grantee meeting. We propose to add a new requirement of attendance for an additional day to convene with I-LEAD projects funded by ANA and the youth involved in project implementation. This proposed policy will be reflected in *Section IV.2. Content and Form of Application Submission—Project Description—Project Budget and Budget Justification* in the I-LEAD FOA and will also reflect suggested travel costs increased by \$500 per region for additional estimated lodging and per diem.

f. Review Criteria—

i. Elimination of Bonus Points. ANA proposes to remove the bonus points that were authorized in FY 2016 I-LEAD FOAs because our experience with the prior year's application review demonstrated the allocation of up to 5 bonus points for letters of support from youth is not necessary to ensure applications reflect support from youth involved in the development of the project proposal as well as in project implementation. The proposed application point allocation reflecting the discontinued use of bonus points is found at *Section V.1. Criteria* of the I-LEAD FOA.

ii. Allocation of points across I-LEAD application evaluation criteria. ANA proposes to modify the point allocation across I-LEAD application review criteria to account for the proposed elimination of bonus points as well as the proposed OWP application requirement. We propose, beginning in FY 2017, the following evaluation criteria point allocations: Needs for Assistance up to 10 points; Outcomes Expected up to 25 points; Approach up to 35 points; OWP up to 20 points; and

the Budget and Budget Justification up to 10 points. The proposed modification to the point allocation can be found at *Section V.1. Criteria* for the I-LEAD FOA.

**Statutory Authority:** Section 814 of the Native American Programs Act of 1974 (NAPA), as amended.

**Kimberly Romine,**

*Deputy Commissioner, Administration for Native Americans.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity; Comment Request

*Proposed Project:* Performance Reporting for the Tribal Maternal, Infant, and Early Childhood Home Visiting Grant Program.

*Title:* Tribal Maternal, Infant, and Early Childhood Home Visiting Program Performance Reporting Form 2.

*OMB No.:* New Collection.

*Description:* Social Security Act, Title V, Section 511 (42 U.S.C. 711), as added by § 2951 of the Patient Protection and Affordable Care Act (Pub. L. 111-148), created the Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV) and authorized the Secretary of HHS (in Section 511(h)(2)(A)) to award grants to Indian tribes (or a consortium of Indian tribes), tribal organizations, or urban Indian organizations to conduct an early childhood home visiting program. The legislation set aside 3 percent of the total MIECHV program appropriation (authorized in Section 511(j)) for grants to tribal entities. The implementation of the program is a collaborative endeavor between Health Resources Services Administration (HRSA) and the Administration for Children and Families (ACF). HRSA administers the State MIECHV program while ACF administers the Tribal MIECHV program. The goal of the Tribal MIECHV program is to support the development of happy, healthy, and successful American Indian and Alaska Native children and families through a coordinated home visiting system. Tribal MIECHV grants, to the greatest extent practicable, are to be consistent with the requirements of the MIECHV grants to states and jurisdictions (authorized in Section 511(c)), and include conducting a needs assessment

and establishing quantifiable, measurable benchmarks.

Specifically, the MIECHV legislation requires that State and Tribal MIECHV grantees collect data to measure improvements for eligible families in six specified areas (referred to as "benchmark areas") that encompass the major goals for the program and are listed below:

1. Improved maternal and newborn health;
2. Prevention of child injuries, child abuse, neglect, or maltreatment, and reduction in emergency department visits;
3. Improvement in school readiness and achievement;
4. Reduction in crime or domestic violence;
5. Improvement in family economic self-sufficiency;
6. Improvement in the coordination and referrals for other community resources and supports.

#### Tribal Home Visiting (HV) Form 2—Tribal Grantees Performance Reporting

The proposed Tribal HV Form 2 will be used by two new cohorts of Tribal MIECHV grantees that were funded in FY2016 to report their benchmark performance measures. As stipulated in the MIECHV legislation, the Tribal MIECHV grantees, like their State counterparts, must meet the required reporting of benchmark areas. Tribal MIECHV grantees are required to propose a plan for meeting the benchmark requirements specified in the legislation and must report on improvement at the end of Year 4 and Year 5 of their 5-year grants, (*i.e.* after 3 years of implementation and at the end of their 5-year grant).

The Tribal HV Form 2 will be used by Tribal MIECHV grantees beginning in October 2018 pending OMB approval. The Tribal HV Form 2 is new to the MIECHV Program information system and is remotely similar to the currently-approved Tribal HV Form 3 (OMB #0915-0357). The creation of Tribal HV Form 2 is due to the added level of specificity and revised performance reporting requirements for grantees to report benchmark data.

Specifically, ACF will use the proposed Tribal HV Form 2 to:

- Track and improve the quality of benchmark measure data submitted by the Tribal grantees;
- Improve program monitoring and oversight;
- Improve rigorous data analyses that help to assess the effectiveness of the programs and enable ACF to better monitor projects; and